

Grays Harbor County Shorelines
Our Heritage, Our Future

DRAFT FINAL

GRAYS HARBOR COUNTY

SHORELINE MASTER

PROGRAM

January 2018



Preliminary Draft

Grays Harbor County

Shoreline Master Program

January 2018

Board of Commissioners

Randy Ross, Chair
Wes Cormier, Commissioner
Vickie Raines, Commissioner

Staff

Jane Hewitt, Principal Planner
Alice Shawyer, Planner I

Consultant

John Kliem



Funding for this report was from a Department of Ecology Grant, No. 140048

Table of Contents

Preface.....	1
Chapter 1: Introductory Provisions	6
Section 1.1 Title	6
Section 1.2 Purpose and intent	6
Section 1.3 Adoption authority.....	6
Section 1.4 Applicability	7
Section 1.5 Adoption of Critical Areas Protection Regulations by Reference.....	7
Section 1.6 Relationship to other plans and regulations	8
Section 1.7 Agreements for regional shoreline planning and implementation.....	8
Section 1.8 Liberal construction	8
Section 1.9 Severability	8
Chapter 2: Shoreline Jurisdiction and Environments.....	9
Section 2.1 Shoreline jurisdiction	9
Section 2.2 Designation of Shoreline Environments and Official Maps.....	9
Section 2.3 High Intensity Environment (HI)	11
Section 2.4 Coastal Community Environment (CC).....	11
Section 2.5 Shoreline Residential (SR)	12
Section 2.6 Rural Development Environment (RD)	13
Section 2.7 Aquatic Environment (A)	14
Section 2.8 Pacific Ocean Environment (PO)	14
Section 2.9 Natural Environment (N)	15
Section 2.10 Shoreline Use and Modification Tables.....	16
Chapter 3: General Policies and Regulations	19
Section 3.1 Applicability	19
Section 3.2 Archeology, Historic, and Scientific Resources	19
Section 3.3 Protection of Shoreline Ecological Functions	20
Section 3.4 Flood Hazard Reduction.....	24
Section 3.5 Public access	27
Section 3.6 Setbacks, heights, and building site provisions	31
Section 3.7 Shorelines of Statewide Significance	32
Section 3.8 Water Quality, Stormwater, and Nonpoint Pollution.....	33
Section 3.9 Existing Uses, Structures, and Parcels.....	34
Chapter 4: Shoreline Uses and Development	36
Section 4.1 Applicability	36
Section 4.2 Agriculture	36
Section 4.3 Aquaculture	37
Section 4.4 Boating Facilities.....	40
Section 4.5 Commercial Development	41
Section 4.6 Forest Practices.....	43
Section 4.7 Industrial Development.....	43
Section 4.8 Instream Structural Development	45
Section 4.9 Mining	46

Section 4.10	Recreational Development	47
Section 4.11	Residential Development	48
Section 4.12	Transportation and parking	49
Section 4.13	Utilities	50
Chapter 5:	Shoreline Modifications	52
Section 5.1	Applicability	52
Section 5.2	General Shoreline Modification Policies	52
Section 5.3	Beach and Dune Management	52
Section 5.4	Breakwaters, Jetties, Groins, and Weirs	54
Section 5.5	Dredging and Dredge Material Disposal	54
Section 5.6	Fill and Excavation Activities	56
Section 5.7	Docks, Piers, Floats, and Boat Launches	57
Section 5.8	Shoreline Habitat Restoration and Enhancement Projects	59
Section 5.9	Shoreline stabilization	61
Chapter 6:	Ocean Management	66
Section 6.1	Goal	66
Section 6.2	Applicability	66
Section 6.3	Ocean Management Jurisdiction	66
Section 6.4	Relationship to Marine Spatial Planning	67
Section 6.5	Criteria for Permitting Ocean Resources Development	67
Section 6.6	General Policies for Ocean Resources Development	68
Section 6.7	Oil and Gas Development	70
Section 6.8	Ocean Mining Development	70
Section 6.9	Ocean Energy Development	71
Section 6.10	Ocean Disposal Development	71
Section 6.11	Ocean Transportation	71
Section 6.12	Ocean Research	72
Section 6.13	Ocean Salvage	72
Chapter 7:	Permit Procedures and Enforcement	74
Section 7.1	Statement of applicability and purpose	74
Section 7.2	Exemptions from substantial development permits	74
Section 7.3	Types of shoreline permits	80
Section 7.4	Authority and responsibility	83
Section 7.5	Application review and appeal procedures	84
Section 7.6	Enforcement	93
Chapter 8:	Master Program Amendments	96
Section 8.1	General	96
Section 8.2	Periodic Review	96
Section 8.3	Initiation of Amendment	96
Section 8.4	Amendment Procedures	96
Chapter 9:	Definitions	98
Appendix A:	Shoreline Environment Designation (SED) Maps	115

Appendix B: List of Rivers, Streams, and Lakes Constituting Shorelines of the State in Grays Harbor County per WAC 173-18-180.....	138
---	-----

Preface

Summary of the Shoreline Management Act

The citizens of Washington State passed the Shoreline Management Act (SMA) in 1972 in recognition “that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.” With this purpose in mind, the SMA requires “a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”¹

There are three broad policies for implementing the intent of the SMA:

- ❖ The accommodation of appropriate uses that require a shoreline location. These preferred uses in priority include:
 - Areas for protecting and restoring shoreline health;
 - Water-dependent uses;
 - Water-related uses;
 - Water-enjoyment uses; and
 - Single family residences
- ❖ The protection of shoreline natural resources, including “...the land and its vegetation and wildlife, and the water of the state and their aquatic life...” against adverse effects. All allowed uses are required to mitigate adverse environmental impacts to the maximum extent feasible and preserve the natural character and aesthetics of the shoreline.
- ❖ Provide public access to publicly owned shoreline areas and promote recreational opportunities for the public in shoreline areas.

Under the SMA, Grays Harbor County must prepare and adopt a Shoreline Master Program (SMP) for managing development along shorelines of the state. The preparation and adoption of the county’s SMP must conform to Chapter 173-26 WAC, State Master Program Approval/Amendment Procedures, and Master Program Guidelines.

The SMA also establishes a balance of authority between Grays Harbor County and the State of Washington. While the SMA gives authority to the county to prepare and implement a SMP that reflects local geographic, economic, and environmental conditions, the state, through the

¹ RCW 90.58.020

Washington Department of Department of Ecology, has dual approval authority for certain permits issued by the county as well as the SMP itself.

History of the Shoreline Management Act in Grays Harbor County

Grays Harbor County has been planning under the SMA since the adoption of its first SMP in 1974.² The county amended its original SMP eleven times, with the last amendment occurring in 1991.

Amendments to the SMA in 1995 by the State Legislature required local governments to periodically review and amend their SMP to achieve consistency with Chapter 173-26 WAC contingent upon receiving grant funding from the Department of Ecology.³ Grays Harbor received its funding for updating its SMP in July 2013, with the requirement of completing the update by June 2016.

Goals for the 2016 Shoreline Management Plan Update

Citizens of Grays Harbor County came together at three workshops in early 2015 for crafting a series of vision statements that spoke to their hopes as to what an updated Shoreline Master Program would accomplish for their community.⁴ The outcome of these workshops generated 19 vision statements that fall under five distinct themes. These themes and statements speak to both the diversity and commonalities that different areas hold for the future of shorelines in their area of the county.

The following summary captures the essence of the conversations held at each workshop.

Planning for Smart Growth along our Shorelines

❖ Smart, Planned Growth – *Montesano*

Grays Harbor County will promote a pattern of development that complements the rural character of its shorelines. This entails carefully managing growth and creating incentives that relocate non-water dependent and related uses away from its shorelines. This will help our shorelines become a place that has great public amenities paid for by a growing tax base.

❖ Planned Growth along Shorelines – *Grayland*

Our county will promote planned growth along our shorelines to create jobs and a strong tax base while preserving its rural character. We can accomplish this by containing urban sprawl and encouraging waterfront commercial, tourist amenities, and industry in appropriate locations. Our waterways can be a connection to all communities in our county.

² Resolution #7419

³RCW 90.58.080

⁴ "A Grays Harbor County Vision for Updating the Shoreline Master Program" February 2015

❖ Intelligent Planning along Our Shorelines – Pacific Beach

Protecting natural functions along our shorelines is dependent on the county managing growth in a sensible manner. The Shoreline Master Program should use a variety of methods to accomplish this goal by locating and clustering development where appropriate; managing development in critical areas; addressing sewage disposal concerns; planning for sea level rise; and encouraging green development.

❖ Use Best Available Science and Best Management Practices – Montesano

We need to think “outside of the box” about the best ways to protect our shoreline resources as growth happens. Staying abreast of and applying innovative development techniques supported through best available science and best management practices will help us find the right way to sustain our shorelines over the long-term.

❖ Best Management Practices – Commission

We need to encourage free market environmentalism as a solution to environmental issues. Markets and the protection of property rights act as a solution for solving many environmental issues.

Balancing Shoreline Protection with Property Rights

❖ Finding a Balance between Public & Private Interests – Grayland

Grays Harbor County will manage our shorelines in a way that artfully balances public and private interests in a way that satisfies both. The Shoreline Master Program will do this by being mindful of the dual need to protect private property rights and shoreline natural resources. We will strive to find the right proportion of land under public ownership dedicated to shoreline enjoyment.

❖ Define Property Rights – Pacific Beach

The Shoreline Master Program should clearly define the rights of property owners along the shoreline through a peer review process managed by its citizens. In addition, plans and regulations should recognize and use citizen knowledge about local conditions in the county. Actions by state and local agencies within the shoreline also need to be consistent with the SMP.

❖ More Incentives – Montesano

Staying mindful of not placing the burden of shoreline protection solely on the shoulders of shoreline property owners should be a major focus of our future management efforts. Incentives are one way of helping communities and landowners share the costs of protecting shoreline assets in common. Emphasizing incentives will go a long way towards attaining the goodwill necessary for greater the protection of and access to natural resources under private

ownership. This is particularly important for those landowners who support our vital agriculture, aquaculture, and forestry economies.

Maintaining Shoreline Resources that Support our Economy

❖ A Vibrant Economy that Utilizes our Natural Resources – *Grayland*

Our shorelines are rich in natural resources that contribute to the foundation to our county's economy. We will have vibrant, local communities built on the benefits of agriculture, fishing, recreation, and tourism.

❖ Sustainable Development and Jobs – *Montesano*

Shorelines can be a place that creates and supports jobs for our children here in our community. They can support a sustainable economy by providing a diverse range of development opportunities that celebrate our historic connection to the water. Key to achieving this goal is managing development within shorelines in a fair and balanced way so that it enhances and protects the existing wealth of our natural and built environments.

❖ Thriving Marine Resource-Related Economic Uses – *Pacific Beach*

The Shoreline Master Programs will allow shoreline natural ecological functions to flourish, including supporting natural processes that replenish our ocean beaches.

Conserving our Shoreline Natural Resources

❖ Protecting/Conserving our Natural Resources – *Grayland*

The quality and wise use of our shoreline natural resources will sustain Grays Harbor County well into the future. Management of our shorelines should emphasize protecting existing healthy natural resources by retaining wildlife corridors and ensuring water quality in our river, estuary, and marine waters. These resources are what make Grays Harbor County so special for locals and visitors alike.

❖ Water Quality – *Montesano*

Clean water is the foundation to our county's existence. Improved water quality is critical to our shorelines for supporting business and industry, agriculture, homes, fish and wildlife, and recreation. We will work towards repairing degraded wetlands that contribute to clean water resources and manage future development along our shorelines in a manner that results in no net loss of ecological functions.

❖ Enhanced Fish and Wildlife Resources – *Montesano*

Our fish and wildlife resources along county shorelines are one of our most important community assets we share. Not only need do we need to protect those resources we have now, but we

need to find ways to improve them. Future development opportunities along our shorelines need to account for these resources so we sustain healthy populations.

❖ Save Wildlife Corridors – *Pacific Beach*

Future development along shoreline environments should identify and protect important wildlife corridors both upland and in the water. The county should work at encouraging all freshwater rivers and streams to be barrier-free for salmonids.

Improving Public Access and Recreation

❖ Public Access & Tourism Enjoying our Natural Resources – *Grayland*

Our shoreline natural resources are the doorway to many types of water-enjoyment activities, public access, and tourism. Careful development that preserves the character of the shoreline and promotes public access can host a wide range of water-enjoyment activities, from storm watching to oceanfront restaurants and resorts.

❖ Better Beach Safety and Management – *Pacific Beach*

❖ The ocean beaches are important to our county's way of life and economy. However, there are significant concerns regarding their management that fails to protect natural resources and public safety. We will encourage State Parks to take a proactive stance at exploring the impacts of people driving recklessly on the beach, preventing the dangers of continued fireworks use, and reducing the proliferation of garbage. Enforcement of laws and use regulations will be important to protect people and the resources in the future.

❖ Improved Public Access to Our Waterways – *Pacific Beach*

There are many roads in our county that intersect with waterways. However, many of these public rights-of-way have failed to accommodate public access, bypassing what could be a significant opportunity for people to enjoy the water. Future road and bridge design should plan for accommodating public access opportunities whenever possible.

❖ Better Access for Emergency Personnel and Vehicles – *Pacific Beach*

There are sections of the ocean beach that tourists frequent where emergency personnel and vehicles have difficulty accessing in a timely fashion. The Shoreline Master Program should allow for providing emergency access and egress points to these areas.

Chapter 1: Introductory Provisions

Section 1.1 Title

The title of this document is the Grays Harbor County Shoreline Master Program, hereafter referred to as the "Master Program."

Section 1.2 Purpose and intent

- 1.2.1 The purpose and intent of the policies and regulations within this Master Program shall implement the policies of the Shoreline Management Act under Chapter 90.58 RCW, hereinafter referred to as the "Act."
- 1.2.2 The Master Program shall promote the health, safety, and general welfare of the citizens of Grays Harbor County by:
- A. Utilizing shorelines of the state for economically productive uses that are particularly dependent on shoreline location or use;
 - B. Promoting access to publicly-owned shoreline areas and encouraging recreational use;
 - C. Protecting and restoring the ecological functions of shoreline natural resources;
 - D. Ensuring the public's right of navigation and corollary uses in shorelines of the state;
 - E. Protecting and restoring buildings and sites that have historic, cultural, educational, and scientific value;
 - F. Planning for public facilities and utilities concurrently with other development;
 - G. Preventing and minimizing flood damage;
 - H. Recognizing and protecting private property rights by ensuring regulations, permit procedures, and enforcement are consistent with constitutional limitations;
 - I. Providing location preference in and along shorelines of the state for water-oriented and single-family uses; and
 - J. Coordinating shoreline management with other relevant local, state, and federal programs.

Section 1.3 Adoption authority

Grays Harbor County adopts this Master Program pursuant to the authority granted under the Act, the State Master Program Approval/Amendment Procedures and Master Program Guidelines, Chapter 173-26 of the Washington Administrative Code (WAC), and the Shoreline Management Permit and Enforcement Procedures under Chapter 173-27 WAC.

Section 1.4 Applicability

- 1.4.1 This Master Program is the comprehensive use plan for those shorelines in Grays Harbor County under the jurisdiction of the Act.
- 1.4.2 All proposed uses and development activities occurring within shoreline jurisdiction shall be consistent with the Act and this Master Program, regardless if a permit is or is not necessary, except where specifically provided by the Legislature.
- 1.4.3 This Master Program achieves the procedural and substantive requirements of Chapter 173-26 WAC by establishing overall plan goals, policies, and regulations that includes maps, diagrams, tables, and other descriptive text and materials.
- 1.4.4 Although the following supporting documents were used in developing this Master Program and are not adopted as part of this Master Program, they are essential reference documents for understanding its development and providing guidance for implementing restoration goals:
 - A. Public Participation Plan for the Shoreline Master Program Update;
 - B. Shoreline Analysis Report for Shorelines in Grays Harbor County;
 - C. Shoreline Restoration Plan for Shorelines in Grays Harbor County; and
 - D. No Net Loss Report for the Grays Harbor County Shoreline Master Program.
- 1.4.5 The provisions of this Master Program shall apply to all shorelines of the state in unincorporated Grays Harbor County, including all freshwater and saltwater shorelines, shorelines of statewide significance, and all shorelands as defined in RCW 90.58030, except where this Master Program makes explicit exception consistent with state law.
- 1.4.6 Federal agencies are subject to this Master Program and RCW 90.58, as provided by the Coastal Zone Management Act (Title 16 USC §1451 et seq.) and Washington Administrative Code 173-24-060(1).
- 1.4.7 This Master Program shall not apply to:
 - A. Lands held in trust by the United States for Indian Nations, tribal governments, or individuals;
 - B. Lands within the boundaries of the Olympic National Park in accordance with RCW 37.08.210.

Section 1.5 Adoption of Critical Areas Protection Regulations by Reference

- 1.5.1 Chapter 18.06 of the Grays Harbor County Code (GHCC), Critical Areas Protection Ordinance #393, is integral and applicable to this Master Program and is hereby adopted by reference; provided, however, that the following exceptions shall apply:

- A. Developments and uses within shoreline jurisdiction requiring a variance to locate within any critical area buffer shall be subject to the variance provisions under [Section 7](#) of this Master Program and not GHCC 18.06.040.
 - B. The fish and wildlife habitat conservation habitat area buffer for Type S waters shall be consistent with the shoreline buffer provisions under Section 3.3.3 of this Master Program and not Chapter 18.06 GHCC.
 - C. If there are any regulations under Chapter 18.06 GHCC pertaining to nonconforming development, uses, and lots within critical areas that are in conflict with the provisions with this Master Program, the Master Program shall prevail.
- 1.5.2 Any amendments to Chapter 18.06 GHCC shall require an amendment to this Master Program consistent with Chapter 8.

Section 1.6 Relationship to other plans and regulations

- 1.6.1 Uses and development activities regulated by this Master Program may also be subject to other provisions of the Grays Harbor County Code and other state and federal laws.
- 1.6.2 Shoreline permit applicants are responsible for complying with all applicable laws before commencing any use or development activity permitted through this Master Program.
- 1.6.3 Except for those codes adopted by reference into the SMP, whenever this Master Program cites any RCW, WAC, or other county, state, or federal law, regulation, or policy, the most recent amendment shall apply.
- 1.6.4 In the event this Master Program conflicts with any other county laws or policies, the more restrictive provision shall apply unless stated otherwise.
- 1.6.5 Federal projects must comply with WAC 173-27-060.

Section 1.7 Agreements for regional shoreline planning and implementation

The county may participate in collaborative planning processes or pursue interlocal agreements for regulatory implementation with any city, county, state, federal, or tribal government that will further the purpose and intent of this Master Program.

Section 1.8 Liberal construction

This Master Program is exempt from the rule of strict construction and Grays Harbor County shall liberally construe its provisions to give full effect to the objectives and purposes provided under the Shoreline Management Act, Chapter 90.58 RCW.

Section 1.9 Severability

Any section, policy, or regulation of this Master Program declared invalid shall not affect the validity of this Master Program as a whole.

Chapter 2: Shoreline Jurisdiction and Environments

Section 2.1 Shoreline jurisdiction

2.1.1 This Master Program applies to shorelines within the jurisdiction of Grays Harbor County. These shorelines, listed in Appendix B, include:

- A. The Pacific Ocean and its harbors, bays, estuaries, and inlets from the ordinary high water mark offshore three nautical miles to the western boundary of Grays Harbor County;
- B. Rivers and streams with a mean annual flow of 20 cubic feet per second (cfs) or more;
- C. Lakes and reservoirs 20 acres or greater;
- D. Shorelands extending two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark that may include:
 - i. Floodways and the contiguous floodplain areas landward 200 feet from the floodway; and
 - ii. Associated wetlands and river deltas.

2.1.2 The Shoreline Management Act, Chapter 90.58 RCW, identifies the following shorelines of statewide significance in Grays Harbor County:

- A. The Pacific Ocean and its harbors, bays, estuaries, and inlets from the ordinary high water mark offshore 3 nautical miles to the western boundary of Grays Harbor County;
- B. Rivers and streams listed in Appendix B with a mean annual flow of one thousand cfs or more;
- C. Lakes listed in Appendix B, whether natural, artificial, or a combination thereof, with a surface acreage greater than one thousand acres or more measured at the OHWM, and
- D. Shorelands associated with A, B, and C of this section that extend landward two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark that include:
 - i. Floodways and contiguous floodplain areas 200 feet landward of the floodway; and
 - ii. Associated wetlands and river deltas

Section 2.2 Designation of Shoreline Environments and Official Maps

2.2.1 The Master Program uses a classification system for managing shorelines by categorizing shoreline reaches into appropriate environment designations. This classification system reflects the current biological and physical character of the shoreline, the pattern of

existing uses within shoreline jurisdiction, and the county's comprehensive plan and development regulations.

- 2.2.2 The purpose of each environment designation is to encourage uses and activities that complement and enhance its shoreline characteristics. Environment designations impose reasonable standards and restrictions on future development to ensure no net loss of shoreline ecological functions.
- 2.2.3 The Master Program classifies shorelines into the following environment designations:
 - A. High Intensity Environment (HI);
 - B. Coastal Community Environment (CC);
 - C. Shoreline Residential Environment (SR);
 - D. Rural Development Environment (RD);
 - E. Aquatic Environment (A);
 - F. Pacific Ocean Environment (PO); and
 - G. Natural Environment (N).
- 2.2.4 The Official Shoreline Environment Maps in Appendix A show the location of each Environment and is for general planning purposes only. The lateral extent of shoreline jurisdiction and the location of the OHWM, associated wetlands, and floodplain and/or floodway, will require a site-specific evaluation at the time of a project proposal. The boundary of each Shoreline Environment shall be determined as follows:
 - A. Boundaries that appear to follow lot, tract, or section lines shall be interpreted as such;
 - B. Boundaries that appear to follow roads shall be interpreted as such to their centerlines; or
 - C. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Administrator shall interpret the boundaries, with deference to actual conditions and the policies of the Master Program.
- 2.2.5 The Grays Harbor County Official Shoreline Environment Map with descriptive text shall be kept on file in the Planning and Building Division of the Department of Public Services. This map shall bear the original approving signature of the Board of Commissioners. Unofficial copies of the map may be prepared for administrative purposes.
- 2.2.6 In the event of a mapping error, the county shall rely on common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.
- 2.2.7 Any area shown on the map as within shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of the Master Program.

- 2.2.8 All areas within shoreline jurisdiction that are not mapped and/or designated are assigned a Rural Development designation until it is designated otherwise through a Master Program amendment.

Section 2.3 High Intensity Environment (HI)

- 2.3.1 Purpose: The purpose of the High Intensity Environment is to provide for water-oriented industrial, transportation, and commercial uses.
- 2.3.2 Designation Criteria:
- A. Shorelands with existing industrial, transportation, and commercial uses;
 - B. Shorelands identified in the comprehensive plan as suitable for future water-oriented industrial, transportation, and/or commercial development; and
 - C. Shorelands exhibiting low to moderate opportunities for ecological restoration or protection.
- E. 2.3.3 Policies:
- A. Future water-oriented industrial, transportation, and commercial uses should locate on shorelands with low ecological function.
 - B. Support infill or redevelopment of shorelands within the High Intensity Environment to achieve full utilization of properties.
 - C. Encourage opportunities and incentives for the restoration of degraded shoreline ecological functions.
 - D. Nonwater-oriented uses may locate within existing structures.
 - E. Existing nonwater-oriented development may expand landward.

Section 2.4 Coastal Community Environment (CC)

- 2.4.1 Purpose: The Coastal Community Environment accommodates limited areas of more intense rural development and planned unit developments along the Pacific Coast and Lake Quinault.
- 2.4.2 Design Criteria:
- F. Shorelands that have existing unincorporated communities consisting of a mix of commercial, residential, recreational, and public facility uses at urban densities;
 - G. Shorelands with master planned resorts;
 - H. Shorelands that have moderate to high ecological function with moderate to high opportunities for ecological restoration;

- I. Shorelands that support passive and active public access and water-enjoyment opportunities; and/or
- J. Shorelands identified as suitable for general commercial and residential development in the comprehensive plan.

2.4.3 Management Policies:

- A. Development should preserve the natural character of the area while accommodating a mix of residential, commercial, recreational, public facilities and services, and public access uses that serve the needs of area residents and visitors.
- B. Encourage opportunities and incentives for the restoration of ecological functions.
- C. Encourage infill and redevelopment to achieve full utilization of properties within the environment designation.
- D. The design and location of developments upland of recreational and commercial shellfish beds should avoid degradation of water quality.
- E. The county should extend public water and sewer facilities to reduce the impacts of development to shoreline ecological functions.

Section 2.5 Shoreline Residential (SR)

2.5.1 Purpose: The Shoreline Residential Environment provides for residential, water-oriented commercial, recreational, planned unit developments, and public access uses along shorelines at appropriate densities that protect shoreline ecological functions.

2.5.2 Designation Criteria:

- A. Shorelands consisting primarily of residential and recreational uses on parcels of one to five acres;
- B. Shorelands with water-oriented public access and recreation development;
- C. Shorelands that have moderate to high ecological function with moderate to high opportunities for ecological restoration; and
- D. Shorelands identified as suitable for residential, commercial, and recreational development in the comprehensive plan.

2.5.3 Management Policies:

- A. Future development should be limited to preferred uses except those with mixed-use developments that include and support water-dependent and public access development.

- B. Encourage locating structures along the Pacific Ocean and the Grays Harbor Estuary as far landward as feasible to minimize potential danger from coastal storm surge, flooding, and tidal influences and natural disasters.
- C. Encourage opportunities and incentives for the restoration of ecological functions.
- D. The county should extend public water and sewer facilities to reduce the impacts of development to shoreline ecological functions.
- E. The design and location of developments upland of recreational and commercial shellfish beds should avoid degradation of water quality.

Section 2.6 Rural Development Environment (RD)

2.6.1 Purpose: The Rural Development Environment provides for the protection of designated resource lands of long-term commercial significance, open space, and floodplain processes while allowing rural development and uses.

2.6.2 Designation Criteria:

- A. Shorelands supporting resource lands of long-term commercial significance;
- B. Shorelands with rural development and uses;
- C. Shorelands that have moderate to high ecological function with moderate to high opportunities for ecological restoration;
- D. Shorelands with significant development constraints, such as frequently flooded areas, wetlands, and geologically hazardous areas;
- E. Shorelands that contribute to critical aquifer recharge areas used for potable water supply;
- F. Shorelands that can provide water-oriented public access and recreation development and protect or restore ecological functions; and/or
- G. Shorelands identified as suitable for agriculture, forestry, mineral extraction, low-intensity residential development, and recreational development in the comprehensive plan.

2.6.3 Management Policies:

- A. New development should be compatible with sustaining existing natural resource lands of long-term commercial significance.
- B. Encourage opportunities and incentives for the restoration of ecological functions.
- C. The scale of water-oriented recreational facilities should be compatible with the character of the surrounding area and minimize the need for public facilities and services.

Section 2.7 Aquatic Environment (A)

- 2.7.1 Purpose: The Aquatic Environment protects, restores, and manages freshwater and estuarine shorelines of the state.
- 2.7.2 Designation Criteria: The Aquatic Environment consists of all freshwater and estuarine shorelines of the state waterward of the ordinary high water mark east of the mouth of the Grays Harbor Estuary.
- 2.7.3 Management Policies:
 - A. Encourage opportunities and incentives for the restoration of aquatic ecological resources, such as removing fish barriers, reconnecting floodplains, improving riparian vegetation, increasing channel complexity, increasing water quantity, improving water quality, and reducing sedimentation.
 - B. The location and design of development and uses on navigable waters and submerged lands should minimize interference with surface navigation, existing uses, public access, and allow for unobstructed passage of fish and wildlife.
 - C. Limit the development of new over-water structures for water-dependent uses, public access, or ecological restoration.
 - D. Allowed uses should be compatible with uses in the adjacent upland environment designation.
 - E. The design of new overwater structures should be the least size necessary for its intended use to minimize impact to shorelines.
 - F. To reduce potential impacts to shorelines, the design of overwater structures should strive to serve multiple uses.
 - G. The design and management of shoreline uses and modifications are should prevent degradation of water quality and alteration of shoreline ecological functions.
 - H. The jurisdiction of the Ocean Resources Management Act, Chapter 43.143 RCW, extends to the mean high tide within the Grays Harbor Estuary and coastal rivers, creeks, and streams. Development within these waterbodies should be consistent with Chapter 6, Ocean Management.

Section 2.8 Pacific Ocean Environment (PO)

- 2.8.1 Purpose: The Pacific Ocean Environment protects, restores, and manages aquatic resources within the Pacific Ocean.
- 2.8.2 Designation Criteria: The Pacific Ocean Environment consists of coastal waters:
 - A. West of a line drawn between the western most exposed tips of the North and South Jetties, extending waterward for three nautical miles from the ordinary high water mark;

excluding, however, those areas that lie within the Master Program jurisdiction of the Cities of Ocean Shores and Westport;

- B. West of the Highway 109 bridge over the Moclips River, Joe Creek, Boone Creek, and Copalis River; and
- C. West of the mouth of Connor Creek.

2.8.3 Management Policies:

- A. Allowed uses should conform to the provisions to Chapter 6, Ocean Management.
- B. The location of new development should avoid and minimize adverse impacts to existing ocean uses.
- C. Allowed uses should be compatible with uses in the adjacent upland environment designation.
- D. New over-water structures should serve only water-dependent uses.
- E. The design of new overwater structures should be the least size necessary for its intended use to minimize impacts to shorelines and public views.
- F. To reduce potential impacts to shorelines, the design of overwater structures should strive to serve multiple uses.

Section 2.9 Natural Environment (N)

2.9.1 Purpose: The Natural Environment protects those areas that are relatively undisturbed, ecologically intact or minimally degraded, and/or retain value because of their scientific, educational, or historic interest.

2.9.2 Designation Criteria:

- A. Shorelands and shoreline areas that perform an important, irreplaceable function susceptible to damage by human activity;
- B. Shorelands and shoreline areas that cannot support new development or uses without significant adverse impacts to ecological functions or risk to human safety;
- C. Shorelands and shoreline areas with ecosystems and geologic types that are of particular scientific, educational, or historic interest; and/or
- D. Shorelands and shoreline areas under county, state, federal, and nonprofit ownership and managed as conservation resources.

2.9.3 Management Policies:

- A. Prohibit development or uses that degrade ecological functions or areas of scientific, educational, or historic interest.
- B. Allowed uses include passive recreational uses and activities that restore or improve ecological functions.
- C. Allow the location of development related to scientific, historical, cultural, educational research activities if the action results in no ecological impacts.
- D. Avoid new public facilities and services and utility corridors except as necessary to serve the health, safety, and welfare of the public.

Section 2.10 Shoreline Use and Modification Tables

2.10.1 The following tables summarize the permitted, conditional, and prohibited uses, shoreline modifications, and ocean management by shoreline environment. All permitted and conditional uses are subject to the provisions of this Master Program and may require other permits from the county or other regulatory agencies.

2.10.2 The symbols used in the table are:

- A. P = Permitted use. Permitted uses within a Shoreline Environment require a shoreline substantial development permit or a letter of exemption as provided under Chapter 7.
- B. C = Conditional use. Conditional uses within a Shoreline Environment require a Shoreline Conditional Use Permit as provided under Chapter 7.
- C. X = Prohibited use. Prohibited uses are uses not allowed within a Shoreline Environment.

Table 1: Uses and Modifications by Environment Designation

	High Intensity	Coastal Community	Shoreline Residential	Rural Development	Aquatic	Pacific Ocean	Natural
Shoreline Uses							
Agriculture	X	P	P	P	NA	X	X
Aquaculture	P	P	P	P	P ¹	P	P ¹
Boating facilities:							
• Marinas	C	C	C	C	C	X	X
• All other boating facilities	P	P	P	P	P	C	X
Commercial development:							
• Water-dependent	P	P	P	X	P	C	X
• Water-related	C	P	P	X	P	C	X
• Water-enjoyment	X	P	C	P	X	X	X
• Nonwater-oriented	X	P	X	X	X	X	X
Forest practices	X	X	P ⁴	P ⁴	P	NA	P ⁴
Industry:							
• Water-dependent	P	X	X	X	P	X	X
• Water-related	C	X	X	X	X	X	X
• Nonwater-oriented	X ³	X	X	X	X	X	X
In-stream structural development	C	C	C	C	C	C	C
Mining	C	X	C	C	X	C	X
Public facilities and services	P	P	P	P	P	P	C
Recreational development:							
• Water-dependent	X	P	P	P	P	P	C
• Water-related	X	P	P	P/C ²	P	P	C
• Water-enjoyment	X	P	P	P/C ²	P	P	C
• Nonwater-oriented	X	X	X	X	X	X	X
Residential development:							
• Single-family/duplex	X	P	P	P	X	X	X
• Multi-family	X	P	C	X	X	X	X
Transportation:	P	P	P	P	P	P	C
Parking:							
• Serving an allowed use	P	P	P	P	P	P	P
• Not serving a specific allowed use	X	X	X	X	X	X	X
Utilities	P	P	P	P	C	C	C

Footnotes to Table 1

- ¹ Conditional use required under Section 4.3.3 C and E ii.
- ² High intensity recreational developments, such as campgrounds and recreational vehicle parks are conditional uses.
- ³ Nonwater-oriented uses may locate within existing structures.
- ⁴ See Section 4.6.3 C; a conditional use permit is required for forest practices in shorelines of statewide significance not using selective commercial timber cutting methods.

Table 2: Shoreline Modifications by Environment Designation

Shoreline Modifications	High Intensity	Coastal Community	Shoreline Residential	Rural Development	Aquatic	Pacific Ocean	Natural
Shoreline stabilization:							
• Nonstructural	P	P	P	P	C	C	C
• Structural	C	C	C	C	C	C	C
Piers and docks	P	P	P	P	P	P	X
Fill (associated with an authorized use)							
• Upland of the ordinary high water mark	P	P	P	P	NA	NA	C
• Waterward of the ordinary high water mark	NA	NA	NA	Na	C ¹	C ¹	C ¹
Breakwaters, jetties, groins, and weirs	C	C	C	C	C	C	X
Beach and dunes management	X	C	C	C	C	C	X
Dredging and dredge material disposal not exempt under Section 5.5.3.B.	C	C	C	C	C	C	X
Shoreline habitat & natural system enhancement projects	P	P	P	P	P	P	P

¹Fill for ecological restoration projects is a permitted use

Table 3: Ocean Management Actions by Environment Designation

Ocean Management	Pacific Ocean	Aquatic (ORMA ²)
Oil and gas uses and activities	X	X
Ocean mining	C	C
Energy production	C	C
Ocean disposal	C	C
Transportation	C	C
Ocean research	P/C ¹	P/C ¹
Ocean salvage	C	C

¹ Ocean research requiring the construction of fixed structures requires a conditional use permit.

² Areas within the Aquatic Environment that are in ORMA jurisdiction; see Section 2.7 H.

Chapter 3: General Policies and Regulations

Section 3.1 **Applicability**

The provisions of this chapter establish goals, policies, and regulations that shall apply to all shoreline environments without regard to environment designation.

Section 3.2 **Archeology, Historic, and Scientific Resources**

3.2.1 Goal:

Encourage the identification, protection, and restoration of sites within the county's shorelines that have archeological and historic importance to the public.

3.2.2 Policies:

- A. Encourage the identification, protection, and restoration of sites within shorelines that have archeological, historic, and scientific sites importance to the public.
- B. Grays Harbor County should cooperate with local, state, federal, tribal, agencies, nonprofit organizations, and private property owners to identify, protect, acquire, and restore these sites.
- C. New development or expanded existing development should avoid or minimize impacts to known archeological, historic, and scientific sites.
- D. Where appropriate, public access design should protect archeological, historic, and scientific sites from damage.
- E. Development proposals should incorporate design features to avoid visual and physical impacts to adjacent archeological, historic, and scientific sites.

3.2.3 Regulations:

- A. The Administrator shall review all permit applications for shoreline development or statements of exemption on any project site within 200 feet of a known or mapped area of an archeological, historic, or scientific site.
- B. All applications meeting the criteria under A in this section shall require a site survey or assessment, unless the Washington State Department of Archaeology and Historic Preservation (DAHP) waives or modifies this requirement.
- C. Any required site assessment shall be conducted by a qualified professional, as applicable, to determine the presence of the resource or resources. The permit applicant shall pay the cost for the qualified professional.

- D. If the site assessment identifies the presence of archaeological, historic, or scientific resources, a qualified professional shall prepare appropriate recommendations as part of the survey or assessment. The permit applicant shall pay the cost for the services of the qualified professional. In the preparation of such plans, the qualified professional shall solicit comments from the DAHP, affected tribal governments, or other appropriate state and federal agencies. The conclusions and recommended conditions of the survey or assessment shall incorporate comments received from all reviewers to the maximum extent practicable.
- E. A survey or site assessment shall be prepared in accordance with guidance for such studies. The county, in consultation with DAHP or other affected tribal, state, or federal agencies, shall determine whether the research design or study is adequate.
- F. Based upon consultation with DAHP or other affected tribal, state, or federal agencies, the Administrator may reject or request revision of the conclusions reached in a survey or assessment when there is inaccurate or incomplete measures to address the management concerns involved with the archeological, historic, or scientific sites.
- G. Whenever granting shoreline permits or statements of exemption for development, the Administrator may attach conditions of approval to assure the protection of archeological, historic, or scientific sites.
- H. Whenever a property owner inadvertently discovers archeological, historic, or scientific sites or artifacts in the process of development on shorelines, work on that portion of the development site shall stop immediately and the property owner shall report the finding as soon as possible to the Administrator or DAHP.
- I. When discoveries are made, after consulting with DAHP, affected tribes, and any other appropriate agencies, the Administrator may require an immediate site assessment conducted by a qualified professional pursuant to subsection E of this section to determine the extent of damage to the resource. Upon completion of the assessment or survey, the Administrator shall distribute it to DAHP, affected tribes, or other appropriate agencies for a 15-day review period. If the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, work on the development may resume.
- J. If there is a discovery of human remains on the property, all activity shall cease immediately and the property owner shall report the finding to the County Sheriff.

Section 3.3 Protection of Shoreline Ecological Functions

3.3.1 Goal:

Protect shoreline resources by ensuring no net loss of existing ecological functions by providing buffers for critical area buffers and conserving native shoreline vegetation while maintaining property rights of owners within the shoreline.

3.3.2 Policies:

- A. Manage development and uses within shoreline jurisdiction so that critical areas should remain unaltered and protected to the greatest extent feasible.
- B. Development should retain shoreline vegetation that contributes to the:
 - i. Maintenance of appropriate water temperatures for fish and wildlife;
 - ii. Regulation of microclimates in riparian areas;
 - iii. Input of organic matter and food for aquatic life;
 - iv. Reduction of erosion and sedimentation;
 - v. Filtration of pollutants and input of nutrients that improve water quality;
 - vi. Addition of large wood that moderate hydraulic flows and provide habitat for fish and wildlife;
 - vii. Conservation of habitat and migratory corridors for fish and wildlife;
 - viii. Safety of people and property from damage caused by flooding and geologic hazards;
 - ix. Protection of water quality that supports tourism, agriculture, fishing, and aquaculture; and/or
 - x. Rural character of county shorelines.
- C. Impacts to critical areas and native riparian vegetation should be avoided first; but when such impacts are unavoidable, development and uses should minimize or mitigate them to ensure no net loss of ecological function.
- D. Recognize existing shoreline development patterns by establishing flexible buffers widths and vegetation conservation corridors along shorelines that do not result in a net loss of ecological function.
- E. Develop regulations for critical area buffers and vegetation conservation that allow single-family residences to access, view, and enjoy the shoreline while protecting overall ecological functions.
- F. Encourage activities that create, restore, or enhance ecological functions, especially for priority species.
- G. Provide incentives that encourage property owners to protect and restore critical areas by allowing buffer width reductions for restoring degraded critical areas and buffer averaging.

- H. Consider and use available data relating to tidal influences and flood events and monitor their potential impacts to critical areas within the shoreline environment.
- I. The county should cumulatively assess future development allowed within critical areas and vegetation conservation buffers to assure over the long-term there is no net loss of ecological functions.

3.3.3 Regulations:

- A. Shoreline development, uses, and activities shall be located and designed to ensure no net loss of ecological function unless authorized otherwise under this Master Program.
- B. Ecological functions existing at the time of the adoption of this Master Program shall serve as the baseline for evaluating new development and its effect on ensuring no net loss of ecological functions.
- C. Development and uses shall protect existing shoreline ecological functions. However, if avoidance is not possible, mitigation is required to address impacts in accordance with the following order of priority:
 - i. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - ii. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - iii. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
 - iv. Reduce or eliminate the impact over time by preservation and maintenance operations
 - v. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
- D. Requirements for mitigation shall be consistent with Section 18.06.080 GHCC.
- E. Shoreline buffers shall be maintained along all Type S shorelines to protect and maintain ecological functions and to minimize risks to public safety. The width of the shoreline buffer shall be measured horizontally from the site's ordinary high water mark. The width of the shoreline buffer shall be consistent with the following:
 - i. High Intensity Environment: 25 feet
 - ii. Coastal Community Environment adjacent to the Pacific Ocean Environment: 200 feet

- i. Coastal Community Environment adjacent to the Aquatic Environment:
150 feet
 - iii. Shoreline Residential Environment adjacent to the Pacific Ocean Environment:
200 feet, except as provided under Section 3.9.3.I
 - iv. Shoreline Residential Environment adjacent to the to the Aquatic Environment:
150 feet
 - v. Rural Development Environment adjacent to the Pacific Ocean Environment: 200
feet
 - vi. Rural Development Environment adjacent to the Aquatic Environment: 150 feet
 - vii. Natural Environment: 200 feet
- F. Before granting a shoreline permit or exemption, the Administrator shall review site plans to determine that the removal of native shoreline vegetation within a shoreline buffer will not result in a net loss of ecological function. When a proposed development will result in the removal or disturbance of native vegetation within a required shoreline buffer, the Administrator may require a critical area protection study as provided in GHCC 18.06.020. The study shall evaluate the following factors:
 - i. The need to retain areas on the parcel with native plant communities along shorelines and in critical areas;
 - ii. The placement of structures and accessory uses on the parcel to minimize impacts on native plant communities; and
 - iii. A mitigation plan for impacts within buffers that ensure there is no net loss of shoreline ecological function.
- G. Primary uses and structures that meet the definition of water-dependent may locate within a shoreline buffer when consistent with the mitigation requirements under Section 3.3.3 C and D.
- H. Public access water-enjoyment uses and structures, such as trails, benches, viewing areas, boardwalks, pedestrian bridges, and emergency access routes, may locate within a shoreline buffer when consistent with the mitigation requirements under Section 3.3.3 C and D. The
- I. Removal of vegetation within the shoreline buffer shall be avoided except under the following conditions:
 - i. Where removal of native vegetation cannot be avoided, it shall be mitigated consistent with the requirements under Section 3.3.3 C and D.

- ii. Property owners may do limited and selective pruning for views within the shoreline buffer that does not compromise slope stability and ecological functions. View maintenance techniques shall preserve plant composition and structure by removing no more than 25 percent of the canopy cover of any individual tree.
 - iii. Projects that eradicate invasive species, including noxious weeds and non-native species, are allowed. Removal of non-native vegetation shall be replaced with native vegetation.
 - iv. A landowner may remove a hazard tree in a shoreline buffer if it poses an immediate threat or danger to health, safety, property, or environmental degradation caused by pest or disease infestation.
 - v. A single-family residence may locate within a required shoreline buffer a private dock and/or pier, a six-foot pedestrian pathway leading to the shoreline, and a cleared recreation area that does not exceed 15% of the total area of the shoreline buffer.
- J. Requirements for shoreline vegetation buffers do not apply retroactively to existing development and uses in shoreline jurisdiction except when required as mitigation for new or expanded development.
- K. Development on existing parcels created before the effective date of this Master Program and is unable to meet requirements for a shoreline buffer may accommodate development without a shoreline variance in accordance with the following provisions:
- i. There is no opportunity to consolidate lots under common ownership to alleviate the nonconformity;
 - ii. The proposed development and appurtenances, excluding the on-site sewage disposal system and driveway, do not exceed 2,500 square feet;
 - iii. The proposed location of the development is as far landward as possible and not closer than 50 feet to the ordinary high water mark;
 - iv. Removal of native vegetation shall be mitigated consistent with the requirements under Section 3.3.3 C and D
 - v. The location is not in an erosion or landslide hazard area or in a floodway.

Section 3.4 Flood Hazard Reduction

3.4.1 Goal:

Promote public health, safety, and general welfare by minimizing the location of development and uses within flood-prone areas that require the need for future structural flood hazard reduction measures.

3.4.2 Policies:

- A. Development in floodplains should not significantly or cumulatively increase flooding hazards. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.
- B. Whenever feasible, the Master Program gives preference to the use of nonstructural flood hazard reduction measures over structural ones for protecting development in shoreline jurisdiction.
- C. Implement county flood management plans and ordinances to ensure development in floodplains do not cumulatively increase flood hazards.
- D. Encourage floodplain restoration projects that return rivers and streams to natural hydrological conditions.
- E. Consider the removal or relocation of structures and restrictions in floodplains when evaluating the need for flood hazard reduction measures.
- F. Minimize development within active channel migration zones.
- G. Encourage restoration projects along shorelines that minimize flooding hazards, such as reconnecting isolated floodplains and sloughs, restoring riparian vegetation, increasing instream channel complexity, and removing channel restrictions.
- H. Limit development within coastal dune areas to minimize potential hazards from coastal flooding due to storm surge and tsunami inundation.
- I. Coordinate comprehensive land use plans and development regulations with the Master Program to allow appropriate development within floodplains.
- J. Consider and use available data relating to past flood events and monitor its potential influence on increasing flood hazards along estuarine and coastal shorelines.

3.4.3 Regulations:

- A. The following development or uses may be appropriate and/or necessary within channel migration zones or floodways:
 - i. Actions that are protecting or restoring shoreline ecological functions;
 - ii. Forest practices in compliance with the Washington State Forest Practices Act and its implementation rules;
 - iii. Existing and ongoing agricultural practices, provided that there are no new structural restrictions to channel migration;

- iv. Mining when conducted in a manner consistent with the shoreline environment designation and the provisions of Section 4.9;
 - v. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost;
 - vi. Repair and maintenance of an existing legal use, if such actions do not cause significant ecological impacts or increase flood hazards to other uses;
 - vii. Development with a primary purpose of protecting or restoring shoreline ecological functions;
 - viii. Modifications or additions to an existing nonagricultural use, if channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
 - ix. Measures to reduce shoreline erosion if a qualified professional demonstrates that:
 - a. Erosion rates exceed those occurring under natural conditions;
 - b. The measure does not interfere with fluvial hydrological geomorphological processes normally acting in natural conditions; and
 - c. The measure includes appropriate mitigation of impacts to ecological functions associated with shorelines of the state.
- B. Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).
- C. Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation buffers, except for actions that increase ecological functions, such as wetland restoration. Flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis
- D. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system

- E. The development of new dikes and levees shall provide for public access improvements unless there are demonstrated unavoidable risks to public safety, security problems, or unreasonable costs.
- F. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution. Removal of sand and gravel within an active channel located waterward of the ordinary high water mark of a river shall not be permitted unless consistent with all of the following provisions:
 - i. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole.
 - ii. The removal and any associated permitted activities will not have significant adverse impacts to habitat of priority species nor cause a net loss of ecological functions of the shoreline.
 - iii. The determinations required by i and ii of this subsection shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of Chapter 18.04 GHCC, State Environmental Policy Act Procedures.
 - iv. In considering renewal, extension or reauthorization of gravel bar and other in-channel gravel and sand removal operations in locations where they have previously been conducted, the county shall require compliance with this subsection to the extent that no such review has previously been conducted. Where there has been prior review, the county shall review previous determinations comparable to the requirements of this section to assure compliance with this subsection under current site conditions.
 - v. The provisions of this subsection do not apply to dredging of authorized navigation channels when conducted in accordance with Section 5.5. Dredging and Dredge Material Disposal.

Section 3.5 Public access

3.5.1 Goal:

Increase the ability of the public to enjoy the water's edge, travel on the waters of the state, and to view the water and shoreline from adjacent locations.

3.5.2 Policies:

- A. Development activities within shoreline jurisdiction should promote and enhance public access to waters of the state, including opportunities to view shorelines from public rights-of-ways, in a manner consistent with private property rights, public safety, and the protection of shoreline ecological functions.

- B. Grays Harbor County currently has numerous opportunities for public access to shorelines of the state. However, the county identifies the following areas, where appropriate, as potentially needing improved public access:
 - i. North Beach to Moclips along the Pacific Ocean;
 - ii. The abandoned Markham rail line not in private ownership along the South Shore of Grays Harbor Estuary along SR 105; and
 - iii. Some major river systems flowing into the Chehalis River, the Grays Harbor Estuary, and the ocean beaches.
- C. Requirements for public access to shorelines of the state should focus on improving existing public access areas or adding new ones in deficient areas of the county. When development occurs in areas with existing adequate public access, the county may allow off-site public access improvements in areas described in subsection B above.
- D. The county should make available a list of such off-site public improvements projects and/or create a dedicated local public access fund for improving existing sites.
- E. Required public access improvements should be commensurate with the scale and character of the development, the surrounding area, and the environment designation.
- F. Public access improvements should accommodate people with disabilities to the greatest extent feasible.
- G. The design of public access improvements should minimize impacts to neighboring private properties and their privacy.
- H. Grays Harbor County is encouraged to develop a public inventory, website, and signage program to assist the public in locating existing access points to shorelines of the state.
- I. Grays Harbor County may establish a dedicated Public Access Improvement Fund that proposed development may use for public access improvements.

3.5.3 Regulations:

- A. Shoreline development by public entities shall include public access measures unless shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- B. Except as provided in B below, substantial developments or conditional uses shall provide public access under the following circumstances:
 - i. A development will create increased demand for public access to the shoreline;
 - ii. A development will interfere with existing public access;
 - iii. A development will result in a new non-water-dependent use;

- iv. A subdivision of land adjacent to shorelines of the state that results in more than four parcels;
 - v. New multi-family residential developments adjacent to shorelines of the state; or
 - vi. A development will interfere with public use of lands or shorelines of the state.
- C. The Administrator may waive the requirement for on-site public access for proposed substantial developments or conditional uses under any of the following conditions:
- i. There are unavoidable health or safety hazards to the public created by the proposed use that site design cannot mitigate;
 - ii. On-site design alternatives cannot address inherent security concerns related to the proposed use;
 - iii. The cost of providing public access or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed use;
 - iv. Public access would create adverse impacts to ecological functions;
 - v. Significant, unavoidable conflicts could occur between public access improvements, the proposed use, and/or adjacent uses that site design cannot mitigate.
- D. Exceptions to on-site public access must demonstrate that:
- i. Regulating access by use of gates or hours of use is not feasible;
 - ii. The use of fences, landscaping, or other means of separating uses is not practical; or
 - iii. Opportunities to develop access or provide improvements at alternate public access locations are not available within one-half mile.
- E. Proposed uses that are waived from providing on-site public access shall provide comparable improvements to compensate for the waiver by one of the following actions upon approval by the Administrator:
- iv. Provide improvements to an existing unincorporated county public access location;
 - v. Provide new public access at an off-site unincorporated county location; or
 - vi. Make compensatory payment to the Public Access Improvement Fund.
- F. Nonwater-oriented development adjacent to shorelines of the state shall provide public access as a public benefit.
- G. County rights-of-way that abut or are adjacent to shorelines of the state shall remain accessible to the public unless such access is incompatible due to safety, security, or impact to the shoreline environment.
- H. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the development.

- I. The county shall not vacate a road or any portion thereof that abuts shorelines of the state unless in conformance with RCW 36.87.130.
- J. Required public access shall be commensurate with the level of shoreline development and may consist of one or more of the following physical improvements approved by the Administrator:
 - i. A five-foot wide walkway or trail on an easement no less than twelve feet wide that leads from a public right-of-way to shorelines of the state;
 - ii. Installation of amenities at an existing public access location, such as benches, picnic facilities, windbreaks, covered patios, interpretive centers, parking improvements, or restrooms;
 - iii. The connection or continuation of a public walkway, bike path, or trail that is equivalent in design and area;
 - iv. Parking, a viewpoint, park, observation tower, deck, pier, or boat launch; or
 - v. Mitigation at other existing sites or other improvements appropriate to the level of development.
- K. Proposed shoreline uses shall record all required public access improvements with the County Auditor through a legal instrument, such as an easement or a public dedication. Recordings shall occur before approval of building permits, occupancy, or subdivision approval, whichever one happens first. Successors to the shoreline development shall not diminish the usefulness or value of required public access areas or improvements.
- L. Maintenance of public access areas or improvements shall be the responsibility of the owner unless the county accepts responsibility through a formal agreement recorded with the County Auditor.
 - i. A five-foot wide walkway or trail on an easement no less than twelve feet wide that leads from a public right-of-way to shorelines of the state;
 - ii. Installation of amenities at an existing public access location, such as benches, picnic facilities, windbreaks, covered patios, interpretive centers, parking improvements, or restrooms;
 - iii. The connection or continuation of a public walkway, bike path, or trail that is equivalent in design and area;
 - iv. Parking, a viewpoint, park, observation tower, deck, pier, or boat launch; or
 - v. Mitigation at other existing sites or other improvements appropriate to the level of development.
- M. Proposed shoreline uses shall record all required public access improvements with the County Auditor through a legal instrument, such as an easement or a public dedication. Recordings shall occur before approval of building permits, occupancy, or subdivision

approval, whichever one happens first. Successors to the shoreline development shall not diminish the usefulness or value of required public access areas or improvements.

- N. Maintenance of public access areas or improvements shall be the responsibility of the owner unless the county accepts responsibility through a formal agreement recorded with the County Auditor.

Section 3.6 Setbacks, heights, and building site provisions

3.6.1 Goal:

Limit the placement and height of structures within shoreline jurisdiction to ensure protection of shoreline aesthetic qualities and required buffers.

3.6.2 Policies:

- A. The height and lot coverage of structures should not unreasonably obstruct the shoreline view from rights-of way or neighboring properties according to RCW 90.58.320.
- B. Use appropriate building setbacks from required shoreline buffers to prevent impacts to these areas from construction and maintenance activities related to the development or use.

3.6.3 Regulations:

- A. No permit shall be issued pursuant to this chapter for any new or expanded building or structure development to be more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same then only when overriding considerations of the public interest will be served, RCW90.58.320; provided, however, that there is no height restriction for water-dependent and water-related commercial and industrial development in the High Intensity Environment.
- B. Minimum lot widths shall be no less than 75 feet in width.
- C. Maximum lot coverage shall not exceed 30%.
- D. Power poles and transmission towers are not subject to height limits but shall be no higher than necessary to achieve the intended purpose.
- E. There shall be a building setback of ten feet established on the landward edge of any buffer required by this Master Program. The setback shall be an open space that may include landscaping and architectural features consistent with Section 17.64.010 GHCC.
- F. Development within shoreline jurisdiction shall be consistent with the building site provisions for the applicable underlying zoning district established under Title 17 GHCC, Zoning.

Section 3.7 Shorelines of Statewide Significance

3.7.1 Goal:

Manage shorelines of statewide significance in a manner that recognizes the overall best interests of the state and all of its citizens.

3.7.2 Policies:

- A. Management of shorelines of statewide significance shall give preference to development in the following order of priority:
 - i. Recognize and protect the statewide interest over local interest;
 - ii. Preserve the natural character of the shoreline;
 - iii. Result in long term over short term benefit;
 - iv. Protect the resources and ecology of the shoreline;
 - v. Increase public access to publicly owned areas of the shorelines;
 - vi. Increase recreational opportunities for the public in the shoreline; and
 - vii. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- B. To ensure the protection of statewide interests over local interests, the county shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.020 through the following actions:
 - i. Include restoration and/or enhancement of ecological conditions if such opportunities exist when shoreline development or redevelopment occurs;
 - ii. Consult with state and federal resource agencies and tribal governments for development proposals that affect fish and wildlife and other shoreline resources;
 - iii. Give preference to those uses that are sustainable, do not deplete natural resources, and are compatible with other approved uses over those that do not have these qualities;
 - iv. Give preference to those uses that provide long-term benefits over those uses that provide only short-term gains;
 - v. Give preference to those uses that preserve aesthetic qualities over those uses that impact aesthetic qualities;
 - vi. Give preference to those uses that require a shoreline location over those that are nonwater-oriented uses;
 - vii. Locate nonwater-oriented uses outside shoreline jurisdiction or in areas where they will not interfere with or displace preferred uses or public access;
 - viii. Protect and support areas that serve aquaculture, recreation and tourism, and other economic resources of statewide importance;

- ix. Regulate those uses that have the potential to cause significant adverse impacts to shoreline ecological functions;
- x. Design all public access and recreation development to protect the ecological resources upon which such activities depend; and
- xi. Encourage public and private development that provides trails, viewpoints, water access points, and water-related recreation opportunities where conditions are appropriate for such uses.

Section 3.8 Water Quality, Stormwater, and Nonpoint Pollution

3.8.1 Goal:

Protect and enhance the quality and quantity of the region's water resources that are critical for protecting the county's public health, economy, natural resources, and critical areas.

3.8.2 Policies:

- A. The protection of water quality within the Grays Harbor County shoreline environment is a priority of the Master Program. Ensuring the quality of water protects public health, supports fish and wildlife resources, and contributes to the economic well-being of county resource-based industries, such as fishing, aquaculture, agriculture, and tourism.
- B. The county should promote the establishment of shellfish protection districts under Chapter 90.72 RCW to establish programs that address or prevent nonpoint pollution that threatens water quality in general, and commercial and recreational shellfish beds within Grays Harbor Estuary and along coastal beaches.
- C. The county should promote the extension of public facilities and services to higher density developments in the Coastal Community and the Shoreline Residential Environments to protect water quality.
- D. The county should pursue federal and state grant and loan programs that assist residential property owners to improve residential on-site sewage systems that potentially degrade water quality within shoreline areas.
- E. Work cooperatively with other governmental agencies to monitor the cumulative impact of past and future development on water quality within county watersheds and shorelines of the state.
- F. Encourage projects that research and monitor water quality in the county's rivers, lakes, estuary, and ocean.

3.8.3 Regulations for water quality, stormwater, and nonpoint pollution

- A. Shoreline development shall protect water quality by preventing stormwater and nonpoint pollution from entering shorelines of the state consistent with the provisions of the most current *Stormwater Management Manual for Western Washington*.
- B. New and expanded development within the High Intensity and Coastal Community Environments shall incorporate low-impact development best management practices.
- C. The placement of on-site sewage systems consistent with Chapter 8.16 GHCC should be the furthest from the ordinary high water mark as deemed needed by the county health officer and, at a minimum, shall be located outside the buffer unless authorized by a shoreline variance.
- D. Subdivisions that create more than four parcels shall utilize low impact development methods to control stormwater runoff.

Section 3.9 Existing Uses, Structures, and Parcels

3.9.1 Goal:

Provide reasonable provisions to allow the continuation and use of lawfully established uses, structures, and parcels created before the adoption of this Master Program.

3.9.2 Policies:

- A. Provide flexibility in allowing, legally established nonconforming uses, structures, and parcels to continue in a manner that avoids further degradation of existing shoreline ecological functions.
- B. Provide flexibility in allowing appropriate use of undeveloped parcels not consistent with this Master Program in a manner that will minimize degradation of existing shoreline ecological functions.
- C. Existing upland structures should be allowed to accommodate nonwater-oriented uses when there is no foreseeable demand for water-oriented ones.

3.9.3 Regulations:

- A. Any legally established development, including residential and appurtenant structures, built before the effective adoption date of this Master Program and does not meet all of the provisions therein, is a conforming structure and may undergo repair, maintenance, or replacement in accordance with the Act.
- B. Change of ownership, tenancy, or management of a nonconforming use or structure shall not affect its nonconforming status, provided there is no further intensification or expansion.

- C. Existing development within a required buffer may expand, redevelop, change occupancy class, or rebuild without a shoreline variance in accordance with the following provisions:
 - i. Expansion of the footprint of a structure may occur landward of the existing structure provided there is no impact to shoreline ecological function;
 - ii. Upward expansion of a structure may occur consistent with applicable height limitations of the Master Program and Act; and
 - iii. Expansion of a structure in geologically hazardous and frequently flooded areas is subject to the provisions of Chapter 18.06 GHCC.
- D. If a nonconforming use is converted to a conforming use, a nonconforming use may not be resumed.
- E. Legally established, nonconforming, undeveloped lots located landward of the ordinary high water mark are buildable in a manner consistent with this Master Program and the Act.
- F. Floating homes permitted before January 1, 2011 are a conforming preferred use that the owner may maintain, repair, replace, or remodel in accordance with Grays Harbor County health and building codes.
- G. A floating on-water residence legally established prior to July 1, 2014, must be considered a conforming use and accommodated through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.
- H. A legally existing structure may be rebuilt to its existing configuration immediately before damage or destruction by fire, explosion, or other casualty if the owner submits a completed permit application for reconstruction within one year of the damage or destruction.
- I. A single-family residence shall be permitted within the shoreline buffer adjacent to the Pacific Ocean Environment if:
 - i. The parcel was established before June 3, 1974 and the shoreline buffer prevents the owner from making any reasonable use of the parcel; or
 - ii. Single-family residences are already located inside the 200-foot shoreline buffer and within 200 feet north and south of the nearest exterior boundary of the site.
- J. When construction of a single-family residence is allowed under Section 3.9.3.I, the following conditions apply:
 - i. The residence shall be located as far easterly on the lot as practical and not seaward of the existing line of conformity; and
 - ii. No residence be constructed west of the crest of a foredune.

Chapter 4: Shoreline Uses and Development

Section 4.1 **Applicability**

The provisions in this chapter apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. All uses and development must be consistent with the Master Program.

Section 4.2 **Agriculture**

4.2.1 Goal:

Recognize the importance of agriculture to the economy of Grays Harbor County and supports its continued viability by establishing provisions for existing and new agricultural activities that promote its retention and expansion while protecting shoreline ecological functions.

4.2.2 Policies:

- A. Provide voluntary incentives to encourage existing agricultural activities and lands to restore shoreline ecological functions.
- B. Cooperate with the agricultural community to identify and make available the most current scientific and technical information and management practices available to protect and restore shoreline ecological functions.
- C. Manage the permitting process for new agricultural activities to minimize application requirements by avoiding redundancy with other state and federal provisions.

4.2.3 Regulations:

- iii. This section shall not require modification of or place limitations on agricultural uses occurring on agricultural lands that are existing before the adoption of this Master Program.
- iv. Changes in agricultural activities on agricultural lands are exempt activities under this Master Program.
- v. The Master Program shall not limit the resumption of discontinued agricultural activities on any designated agricultural lands of long-term commercial significance as designated under Section 18.10.030 GHCC.
- vi. New agricultural lands created after the effective date of this Master Program shall:
 - i. Conform to all Master Program provisions;
 - ii. Assure no net loss of ecological functions; and
 - iii. Not create adverse impacts on other shoreline resources and values.

- vii. A shoreline substantial development permit is required for any agricultural development not specifically exempted by RCW 90.58.030(3)(e).
- viii. Conversion of existing agricultural land and activities to non-agricultural uses shall be consistent with this Master Program.

Section 4.3 Aquaculture

4.3.1 Goal:

Protect and expand the viability of aquaculture in Grays Harbor County as an important economic resource that protects the resources and ecology of the shoreline environment.

4.3.2 Policies:

- A. Encourage the expansion of existing and new aquaculture practices in a manner that contributes to the county's economy while protecting shoreline ecological functions and values.
- B. Assist in sustaining aquaculture by incorporating provisions within this Master Program and other development regulations to protect water quality from degradation by upland development.
- C. Design and locate aquacultural facilities to avoid the potential to spread disease to native aquatic life, establish new nonnative species that cause significant ecological impacts, or significantly affect the aesthetic qualities of the shoreline.
- D. Support preservation of tidelands acquired under the Bush Act of 1895 for aquacultural activities only.
- E. Encourage the location of commercial geoduck aquaculture in shoreline areas where sediments, topography, land, and water access supports growing and harvesting activities without significant clearing and grading.
- F. Manage the permitting process for new aquaculture activities to minimize application requirements by avoiding redundancy with other state and federal provisions.
- G. Aquaculture should not locate in areas where it would result in a net loss of ecological function, adversely affect native eelgrass beds (*Zostera marina*) and macroalgae, or significantly conflict with navigation and other water-dependent uses.

4.3.3 Regulations:

- A. Aquaculture is water-dependent activity that when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- B. A shoreline substantial development permit is not required for aquaculture activities that are consistent with this Master Program and do not require development or structures,

except as provided in Section 4.3.3.G. Examples of aquaculture that constitute development include finfish pens, mussel rafts, oyster rafts, and accessory structures such as docks.

- C. Aquaculture mussel rafts, oyster floats, net pens, and similar development may intrude into or over critical saltwater habitats when meeting the following criteria:
 - i. The public's need for such an action or structure is clearly demonstrated, and the proposal is consistent with the protection of the public trust;
 - ii. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose. A cost analysis may be required to assist with the feasibility determination.
 - iii. The project, along with any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and
 - iv. The project is consistent with the state's interest in resource protection and species recovery.
- D. The Administrator shall issue a letter of exemption for new aquaculture that does not constitute development but requires the review and approval of federal agencies.
- E. Commercial geoduck aquaculture shall meet the following requirements:
 - i. The planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters, but not otherwise;
 - ii. New commercial geoduck aquaculture shall require a conditional use permit, except where the applicant proposes to convert existing non-geoduck aquaculture to geoduck aquaculture;
 - iii. All subsequent cycles of planting and harvest shall not require a new conditional use permit;
 - iv. Conditional use permits for geoduck aquaculture acknowledge operators have a right to harvest geoduck once planted;
 - v. A single conditional use permit may substitute for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline aquatic environment;
 - vi. Applications for a conditional use shall contain the following information:
 - a) A narrative description and timeline for all anticipated geoduck planting and harvesting activities if not already contained in the federal or state permit application or comparable information mentioned above;

- b) A baseline ecological survey of the proposed site to allow consideration of the ecological effects if not already contained in the federal or state permit application or comparable information mentioned above;
 - c) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in Section 3.3.3; and
 - d) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.
- vii. To avoid or minimize impacts from geoduck aquaculture siting and operations, and to achieve no net loss of ecological functions, a conditional use permit may place the following conditions or limitations on a project:
- e) Avoid the practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.
 - f) Prevent the use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.
 - g) Limit activities to specific periods to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site
 - h) Minimize alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments
 - i) Install property corner markers that are visible at low tide during planting and harvesting
 - j) Require mitigation measures, such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas, to ensure no net loss of ecological functions.
 - k) Require removal of predator exclusion devices as soon as they are no longer necessary.
 - l) Use best management practices to minimize turbid runoff from the water jets when harvesting geoducks.
 - m) Limit the number and duration of moored or beached vessels at the site.
 - n) Ensure public rights to navigation over the surface of the water.
 - o) Institute frequent debris collection practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.
 - p) Consider recommendations from the Washington State Department of Natural Resources or other landowning agencies regarding protection of existing public access to publicly owned lands.

- F. New aquatic species not previously cultivated in the county require written approval of the Washington Department of Fish and Wildlife before introduction to any aquatic environment designation.
- G. Aquaculture operations periodically may become dormant for extended periods due to crop rotation, state or federal permit requirements, pest infestations, seed or juvenile availability, market fluctuations, and pollution from other uses or developments. The county shall determine on a case-by-case basis when an aquaculture activity is dormant or no longer in use by consulting with the responsible person or entity for the operation.

Section 4.4 Boating Facilities

4.4.1 Goal:

Design, site, and operate commercial and recreational boating facilities to be compatible with the surrounding aquatic environment and adjacent land uses.

4.4.2 Policies:

- A. Multiple use and/or expansion of existing piers and floats should be encouraged over construction of new structures when possible.
- B. The size of piers and floats for boating facilities should be the minimum necessary to meet the needs of the proposed water-dependent use.
- C. The location of boating facilities should be in areas that create the least impact to shoreline functions.
- D. Avoid locating boating facilities where shallow depths require excessive overwater lengths or frequent dredging.
- E. Public launches for use by many are preferred over private (not commercial).
- F. Support boating facilities as partners in promoting public access to shorelines throughout the county.
- G. Encourage the design, location, and operation of boating facilities that are compatible with adjacent land uses and minimize impacts to critical areas.

4.4.3 Regulations:

- A. This section does not apply to piers and docks serving four or fewer residences.
- B. The location of boating facilities shall not interfere with navigation.
- C. The design and construction of new or expanded boating facilities shall consist of materials approved by applicable state agencies

- D. Boating facilities shall avoid shallow-water tidal locations that require extensive structures to reach useable water for at least the majority of the tidal cycle.
- E. Boating facilities that allow live-aboard shall provide pump-out and/or treatment facilities for sewage.
- F. The permitting of boating facilities shall consider potential impacts to water quality, critical areas, and recreational and commercial shellfish beds.
- G. Applications for new or expanded boating facilities shall provide an operational plan that addresses the following elements:
 - i. Fuel handling and storage;
 - ii. Sewage and waste collection and disposal;
 - iii. Parking and storage;
 - iv. Access to emergency services; and
 - v. Provisions for live-aboard boaters.
- H. All non-water dependent structures associated with a boating facility shall locate landward of the ordinary high water mark.
- I. The location and design of boating facilities shall minimize the need for recurrent dredging, filling, or other harbor channel maintenance.
- J. Anchored vessels shall not interfere with navigation or moor on shorelines of the state in excess of 30 days without a lease or permission from the Washington Department of Natural Resources, except as allowed by applicable state regulations.

Section 4.5 Commercial Development

4.5.1 Goal:

Manage commercial development along county shorelines to create economic opportunities for residents and amenities for visitors while protecting ecological functions.

4.5.2 Policies:

- A. Water-dependent, water-related, and water-enjoyment commercial uses are preferred over nonwater-oriented uses.
- B. Encourage new water-oriented commercial development along county shorelines that is compatible with adjacent land uses.
- C. Promote commercial development along county shorelines that strengthen tourism, public access, recreation, and sustainable use of natural resources.

- D. Allow non-water-oriented uses to locate in existing buildings when vacancies demonstrate a lack of market demand for water-oriented uses.

4.5.3 Regulations:

- A. Commercial development is not a water-dependent, water-related or water-enjoyment use until the Administrator determines that the proposed design, layout, and operation of the use or development is consistent with the definition and intent under this Master Program.
- B. The order of priority for locating commercial development within shoreline jurisdiction is as follows:
 - i. Water-dependent commercial development has preference over nonwater-dependent commercial development; and
 - ii. Water-related and water-enjoyment commercial development has preference over nonwater-oriented commercial development.
- C. New nonwater-oriented commercial development is not an allowed use unless:
 - i. The use is part of a mixed-use project that includes water-dependent uses and provides significant public benefit with respect to providing public access and ecological restoration;
 - ii. Navigability is severely limited at the proposed site and the commercial use provides significant public benefit with respect to providing public access and ecological restoration; and/or
 - iii. Another property or public right-of-way physically separates the development from the shoreline.
- D. Nonwater-dependent commercial development shall not locate over water except in existing structures or if it is an auxiliary to, and necessary in support of, water-dependent development.
- E. Commercial development shall incorporate visual and physical design elements that promote public access to the shoreline to meet the definition and intent of a water-related or water-enjoyment use.
- F. Nonwater-oriented commercial development may locate within an existing vacant structure upon approval of the administrator and meeting all of the following criteria:
 - i. The structure was constructed before the adoption of this Master Program;
 - ii. The proposed use within the structure is allowed within the shoreline environment;
 - iii. There is no expansion of the structure's current footprint;
 - iv. The proposed use shall take place entirely within the structure itself; and
 - v. The proposed use shall not present a potential for spills, discharges, or pollutants to the shoreline environment.

Section 4.6 Forest Practices

4.6.1 Goal:

Manage forest practices within shoreline jurisdiction to sustain their importance to the county's economy while protecting shoreline ecological functions and values.

4.6.2 Policies:

- A. Promote forest practices within shoreline jurisdiction that continue to sustain the county's economy while protecting shoreline ecological functions and values.
- B. Cooperate with private forestland owners to encourage opportunities for public access to shorelines in a manner that respects private property rights.

4.6.3 Regulations:

- A. Management of forest practices within shoreline jurisdiction fall under the purview of the Forest Practices Act, Chapter 76.13 RCW, the Forest Practice Rules, Title 222 WAC, and the *Forests and Fish Report* (1999) and Title 14, Forest Practices, GHCC.
- B. Forest practices regulated under this Master Program include conversions, other Class IV-General forest practices that likely will result in a conversion to non-forest uses, and selective commercial timber cutting along shorelines of statewide significance as provided under RCW 90.58.150.
- C. Forest practices within two hundred feet landward of the ordinary high water mark along shorelines of statewide significance shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten-year period of time, provided that:
 - i. Other timber harvesting methods may occur in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration make selective logging ecologically detrimental; and
 - ii. Clear cutting may occur if it is solely incidental to the preparation of land for other uses.
- D. Forest practices allowed under Section 4.6.3.C require a conditional use permit.
- E. Timber harvest activities subject to this Master Program may not happen until county approval of a local plat or other applicable land use decision, including the issuance of any required shoreline permits.
- F. Conversion of forestlands within shoreline jurisdiction to a different use shall protect shoreline ecological functions consistent with the provisions in this Master Program.

Section 4.7 Industrial Development

4.7.1 Goal:

Support opportunities for water-oriented industrial development along county shorelines that contribute to the regional economy at locations that protect or minimize impacts to shoreline ecological functions.

4.7.2 Policies:

- A. Water-dependent and water-related industrial developments are preferred over nonwater-oriented industrial developments.
- B. Preferred sites for water-oriented industrial development should demonstrate compatibility with adjacent land uses.
- C. Industrial developments and redevelopments should be encouraged to locate where environmental cleanup and restoration is needed.
- D. Encourage private and public industrial developments to share piers, cargo handling, storage, parking, and other accessory facilities.

4.7.3 Regulations:

- A. The order of priority for locating industrial development within shoreline jurisdiction is as follows:
 - i. Water-dependent commercial industrial development is encouraged over nonwater-dependent commercial development; and
 - ii. Water-related industrial development is encouraged over nonwater-oriented industrial development.
- B. Industrial development is not a water-oriented use until the Administrator determines that the proposed design, layout, and operation of the use or development is consistent with the definition and intent under this Master Program.
- C. Nonwater-oriented industrial development is not an allowed use unless:
 - i. The use is part of a mixed-use project that includes water-dependent uses and provides significant public benefit with respect to providing public access and ecological restoration;
 - ii. Navigability is severely limited at the proposed site and the industrial use provides significant public benefit with respect to providing public access and ecological restoration; and/or
 - iii. Another property or public right-of-way physically separates the development from the shoreline
- D. Lands designated for industrial development shall not include shorelines with severe environmental limitations created by critical areas.

- E. Accessory development not requiring a location at or near the water's edge shall locate away from the shoreline to the greatest extent feasible.
- F. Existing nonwater-oriented industrial development may expand landward only if the expansion meets the provisions of this Master Program.

Section 4.8 Instream Structural Development

4.8.1 Goal:

Ensure that instream structural developments minimize impacts to ecological functions, navigation, public access, and fish and wildlife resources.

4.8.2 Policies:

- A. Projects for instream structures should demonstrate a compelling public benefit that outweighs the potential adverse impacts to ecological functions, fish and wildlife resources, navigation, and public access.
- B. New development landward of the ordinary high water mark should not require future development of instream structures for protection from flood hazards.
- C. Encourage improvements to existing instream structural developments that minimize impacts to fish and wildlife resources and shoreline ecological functions.
- D. Encourage instream structures that allow for ecological restoration and improving fish and wildlife resources and habitat.
- E. Encourage non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources as an alternative to instream structures. Non-regulatory and nonstructural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
- F. The location, design, and operation of instream structures should be consistent with plans related to flood management hazard plans, the Chehalis Basin Watershed Management Plan, and applicable fish and wildlife management plans.

4.8.3 Regulations:

- A. Permit applications for instream structural development shall be prepared by a qualified professional and address the following items:
 - i. Analysis regarding the necessity of the instream structure for ensuring public safety or providing public infrastructure;
 - ii. The feasibility of nonstructural measures;
 - iii. Analysis of impacts to fish and wildlife resources, critical areas and ecological functions;

- iv. Hydraulic analysis, including effect on water quality, water quantity, and flooding to area properties; and
 - v. Long-term management and monitoring plan.
- B. New or expanded instream structural developments shall provide adequate migration for fish and avoid loss of salmonid habitat.
- C. Location of instream structures shall not adversely affect existing uses or interfere with public access and navigation.
- D. Construction and maintenance of irrigation structures, including but not limited to head gates, pumping stations, and irrigation channels necessary for farming and ranching activities are exempt.

Section 4.9 Mining

4.9.1 Goal:

Ensure that the extraction of economically important deposits of sand, gravel, and mineral resources within shoreline jurisdiction is done in manner that protects shoreline ecological functions.

4.9.2 Policies:

- A. Mining within shoreline jurisdiction should locate only in areas that appropriate studies and detailed operation plans demonstrate the least disruption to the natural character of the shoreline, adjacent land uses, and critical areas.

4.9.3 Regulations:

- A. The design and siting of new mining and associated activities shall be consistent with the provisions of the applicable shoreline environment designation.
- B. Mining activities within shoreline jurisdiction shall be consistent with the Chapter 78.44, the Surface Mining Act, and the Surface Excavation and Extraction provisions of Sections 17.60.090 through 17.60.200, GHCC.
- C. Mining and associated activities shall be allowed only in those locations where they will not cause:
- i. Damage to or potential weakening of the structural integrity of the shoreline that would result in a change of existing aquatic habitat or avulsion;
 - ii. Changes in the water or exchange of water to or from adjacent water bodies that would damage aquatic or shoreline habitat; and
 - iii. Changes in groundwater or surface water flow that would be detrimental to aquatic habitat, shoreline habitat, or ground water.

- D. Mining within the channel migration zone in shoreline jurisdiction shall require a shoreline conditional use permit.
- E. Disposal of overburden or other mining spoil or non-organic solid wastes shall comply with the fill provisions of this Master Program.
- F. The removal of sand to supply the needs of cranberry growers, as provided under RCW 79A.05.630, is an exempt activity if sand removal occurs in backdune areas and does not result in a net loss of shoreline ecological functions.
- G. All recreational mineral prospecting and placer mining shall meet permit requirements established by the Washington Department of Fish and Wildlife and applicable federal agencies. Any recreational mineral prospecting and placer mining shall ensure water quality and protect fish and wildlife resources.

Section 4.10 Recreational Development

4.10.1 Goal:

Encourage the development of a wide range of publicly- and privately-owned recreational opportunities for residents and tourists that facilitates their ability to reach, touch, and enjoy the water's edge as well as view and travel on shorelines of the state, all in a manner that protects shoreline ecological functions.

4.10.2 Policies:

- A. The location, use, and intensity of recreational development should be consistent with the character of the shoreline and the availability of utilities and public facilities and services.
- B. Promote a diverse range of recreational developments in appropriate locations that provide the public with a varied choice in recreational experiences.
- C. The siting and design of recreational facilities should minimize impacts to ecological functions and neighboring private properties.
- D. Encourage recreational developments to incorporate design improvements to the greatest extent feasible to facilitate access to the shoreline by people with physical disabilities.
- E. The county is encouraged to forge cooperative agreements with private forestland owners to improve and facilitate recreational access to rivers and streams. Recreational access to these areas should include public education that promotes respect for private property and responsible use of the land and its resources.
- F. Facilitate the acquisition of shorelines by local, state, tribal, and federal governments and nonprofit organizations to increase public opportunities for recreational access to shorelines of the state.

4.10.3 Regulations:

- A. Recreational development that provides access to and use of the water has priority over recreational development that does not.
- B. The location and design of recreational developments shall minimize adverse impacts to neighboring properties and critical area buffers that include, but are not limited to: light, noise, traffic, stormwater, nonpoint source pollution, and water quality.
- C. All recreational developments shall make adequate provisions for
 - i. Providing adequate parking and access;
 - ii. Avoiding adverse impacts to adjacent properties; and
 - iii. Preventing trespass to adjacent private properties.
- D. The location and design of recreational development in floodplains shall not increase flooding hazards or rely on structural shoreline stabilization improvements.

Section 4.11 Residential Development

4.11.1 Goal:

Ensure the compatibility of residential development with the shoreline environment and avoid those areas that present a risk to people and property.

4.11.2 Policies:

- A. Residential development is a preferred use of the shoreline when it is located in a manner that protects shoreline functions, critical areas, and vegetation.
- B. Residential development should be consistent with the character of the environment designation and at densities reflecting the availability of appropriate infrastructure.
- C. Encourage new subdivisions to use clustering of residences in accordance with Section 17.20.040 GHCC for avoiding critical areas, creating open space, and protecting shoreline ecological functions.
- D. Encourage residential subdivisions to incorporate design features that preserve shoreline views of individual residences and neighboring properties.
- E. Provide incentives to residential development to restore shoreline ecological functions.
- F. Consider and use available data relating to coastal storms and flood events and monitor their potential influence on construction of future residential development along susceptible shorelines.

4.11.3 Regulations:

- A. A shoreline substantial development permit is not required for construction of a single-family residence by any owner, lessee, or contract purchaser for their own use or the use of their family. Single-family residences and their appurtenances must otherwise conform to this Master Program.
- B. New residential subdivisions creating more than four parcels shall include low-impact development best management practices to protect surface water quality.
- C. Residential development in floodplains and channel migration zones shall not locate where structural shoreline stabilization improvements will be necessary in the future. The county may require new residential development to prepare a geotechnical report to verify that future structural stabilization improvements will not be necessary.
- D. New multi-unit residential development, including subdivisions of land into more than four parcels shall provide public access in accordance with **Error! Reference source not found.** for use by residents and the public.
- E. New over-water residences, including floating homes and floating on-water residences, are prohibited in all shoreline environments.

Section 4.12 Transportation and parking

4.12.1 Goal:

Design, locate, and maintain transportation infrastructure and parking developments in a manner that minimizes impacts to ecological functions and complements shoreline access and aesthetics.

4.12.2 Policies:

- A. Avoid the location of new public or private transportation development within shoreline jurisdiction whenever feasible.
- B. The location of new streets should avoid shorelines whenever feasible.
- C. Future development of transportation infrastructure within shoreline jurisdiction should be consistent with the character of the environment designation.
- D. The design and location of new transportation development should minimize the need for structural shoreline stabilization improvements, modification of natural drainage systems, and waterway crossings.
- E. Locate transportation developments outside of critical areas, floodplains, and channel migration zones whenever possible.

- F. Cooperate with the Washington State Parks and Recreation Commission in updating Ocean Beach Recreation Management Plans to manage the use of motorized vehicles along ocean beaches in a manner that protects public safety and ecological functions.
- G. Encourage the removal of fish barriers along transportation corridors.
- H. Encourage new transportation developments, or improvements to existing infrastructure, to accommodate opportunities for public access within shoreline jurisdiction.
- I. Promote the development of pedestrian trail systems countywide along shorelines utilizing abandoned railways, public rights-of-way, and easements.
- J. Avoid locating transportation developments in floodplains and channel migration zones where structural shoreline stabilization improvements will be necessary in the future.
- K. Minimize the location of raised roads and railways in floodways except for necessary crossings. The design of crossings should ensure they do not act as walls baffling or blocking floodwaters, or interrupting stream channel processes.
- L. Consider and use available data relating to tidal influences, storms, and flood events, and monitor their potential influence on transportation development along susceptible shorelines.

4.12.3 Regulations:

- A. Major street and highway improvements within shoreline jurisdiction shall include low-impact development improvements to protect, maintain, or improve water quality.
- B. RCW 36.87.130 prohibits the county from vacating any county road that abuts a body of saltwater or freshwater except for port, recreational, educational, or industrial purposes.
- C. Parking as a primary use is prohibited within shoreline jurisdiction.
- D. Parking as an accessory to an authorized use shall locate as far upland from the shoreline as possible and use low-impact development improvements to protect water quality.

Section 4.13 Utilities

4.13.1 Goal:

Locate and design utilities within shoreline jurisdiction in manner that protects ecological functions, existing uses, and the character of the shoreline environment.

4.13.2 Policies:

- A. The design and location of utilities should avoid aesthetic impacts to the shoreline environment

- B. Extension of utilities within shoreline jurisdiction should be consistent with future growth identified in countywide development plans and regulations.
- C. Location of utilities should avoid impacts to public access, recreation, and significant historic, archaeological, cultural, or scientific resources.
- D. The design and siting of pipelines and cables should avoid crossing aquatic lands to the greatest extent feasible. If water crossings are unavoidable, installation should be in areas that cause the least adverse impact to the environment and shoreline resources.
- E. Consider and use available data relating to flood events, tidal influences and monitor its potential influence on managing utility development and uses along susceptible shorelines.

4.13.3 Regulations:

- A. New public or private utilities should locate as far upland as feasible or outside shoreline jurisdiction, unless:
 - i. The utility requires a location adjacent to the water;
 - ii. Alternative locations are not feasible; or
 - iii. Utilities are necessary for a permitted shoreline use consistent with this Master Program.
- B. New utilities shall use existing transportation and utility sites, rights-of-way, and corridors where feasible before establishing new ones.
- C. Infrastructure for water, sewer, energy, telecommunication, and pipeline systems that are not water-dependent shall locate away from shoreline jurisdiction unless alternative locations are not feasible.
- D. New or expanded water-dependent and water-related utilities in the aquatic environment designations shall not interfere with existing uses, navigation, or public access.
- E. The location and design of utilities shall avoid the need for structural shoreline modifications to the greatest extent feasible.

Chapter 5: Shoreline Modifications

Section 5.1 **Applicability**

Shoreline modifications relate to the construction of a physical element, such as a dike, breakwater, dredging, and fill, but can include other actions such as clearing, grading, or significant vegetation removal. Shoreline modifications usually support a shoreline use or undertaken in preparation for a shoreline use. The provisions of this chapter apply to all shoreline modifications within shoreline jurisdiction.

Section 5.2 **General Shoreline Modification Policies**

- 5.2.1 Shoreline modifications should only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect a legally existing shoreline use or primary structure that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline or bedlands for an allowed water-dependent use, or for shoreline mitigation or enhancement purposes.
- 5.2.2 Shoreline modifications should only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.
- 5.2.3 In-water work should be scheduled to protect biological productivity, including but not limited to, fish runs, spawning, and benthic productivity. In-water work should not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
- 5.2.4 Shoreline modification should be limited in number and extent.

Section 5.3 **Beach and Dune Management**

5.3.1 Goal:

Manage modifications within the beach and dune environment to ensure the protection of public safety, public access, critical areas, and ecological functions.

5.3.2 Policies:

- A. Modifications to the beach and the foredune should be avoided to the greatest extent feasible to protect public safety, critical areas, and ecological functions.
- B. Cooperate and plan accordingly with Washington State Parks and Recreation Commission in managing the Seashore Conservation Area and updating *Recreation Management Plans* to ensure that public access modifications protect public safety, critical areas, and ecological functions.
- C. Evaluate the need for new public access and emergency routes to the ocean beaches that minimize adverse impacts to dune areas.

- D. Promote restoration projects that protect dune structure and vegetation beneficial for wildlife habitat and flood hazard reduction.
- E. Encourage the construction of elevated dune walkovers for pedestrian access to beaches to reduce damage to dune vegetation and habitat.
- F. Consider and utilize available data relating to coastal storms, and monitor their potential influence on managing development and uses within the beach and dune environment.

5.3.3 Regulations:

- A. Modification to incipient dunes, foredunes, foredunes that are conditionally stable but subject to ocean undercutting or wave overtopping, and deflation plains that are subject to ocean flooding, is prohibited unless a study prepared by a qualified professional demonstrates that the proposed development is:
 - i. Adequately protected from wind erosion, undercutting, ocean flooding and storm waves; and
 - ii. Designed to minimize adverse environmental effects.
- B. The placement of structural shoreline stabilization measures within the beach and dune environment shall be consistent with Section Section 5.9.3.
- C. New road design in dune areas shall meet the following requirements:
 - i. Construct roads parallel to the shoreline and as far landward of the backdune as possible;
 - ii. No road may locate on or breach the foredune, except for public rights-of-way that provide public access to ocean beaches; and
 - iii. Orient beach access roads at an angle to the prevailing wind direction to reduce the chance that water and wind will be channeled along them and erode the dunes at the sides of the road cuts.
- D. Dune modification and vegetation removal to protect views of the water shall occur only on properties subdivided and developed before the adoption of this Master Program under the following circumstances:
 - i. The view is completely obstructed for a residence or water-enjoyment use; and
 - ii. There is evidence that the dunes did not obstruct views at the time of original occupancy.
- E. Removal of vegetation from the foredune is prohibited except to accommodate development and uses allowed under this Master Program, including the removal of invasive species or other restoration actions.

Section 5.4 Breakwaters, Jetties, Groins, and Weirs

5.4.1 Goal:

Construct breakwaters, jetties, groins, and weirs only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.

5.4.2 Policies:

- A. Consider the full range of adverse impacts to the shoreline ecology when permitting breakwaters, jetties, groins, and weirs, including sediment transport, erosion, character of the shoreline, neighboring properties and uses, fish and wildlife resources, visual impacts, public access, and recreation.
- B. Prefer open-pile, floating, portable, submerged, or discontinuous breakwaters to fixed breakwaters to maintain sediment movement, fish habitat, and water circulation.

5.4.3 Regulations for breakwaters, jetties, groins, and weirs

- C. Breakwaters, jetties, groins, and weirs shall require a conditional use permit except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
- D. Breakwaters and jetties shall be allowed when analysis by a qualified professional demonstrates that:
 - i. The structure is necessary for protecting water-dependent uses, such as boating facilities, navigation channels, and commercial aquaculture, from strong wave actions or currents; and
 - ii. Adverse impacts to water circulation, sediment transport, fish and wildlife migration, and aquatic vegetation can be avoided or mitigated.
- E. Proposals for breakwaters, jetties, groins, and weirs constructed for shoreline stabilization shall complete a geotechnical analysis consistent with the provisions for shoreline stabilization proposals described in Section 5.9.
- F. Weirs shall include measures to ensure uninterrupted fish migration.

Section 5.5 Dredging and Dredge Material Disposal

5.5.1 Goal:

Allow dredging and dredge material disposal for maintaining and expanding safe commercial and recreational navigation in a manner that protects shoreline ecological functions.

5.5.2 Policies:

- A. Dredging to establish, expand, or relocate or reconfigure navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of navigational uses and then only when minimizing or mitigating significant ecological impacts.
- B. Siting of new water-dependent development should be in locations that avoid or minimize the need for future maintenance dredging.
- C. Cooperate with the Department of Natural Resources in implementing Master Program provisions through the Dredged Materials Management Program.
- D. Encourage disposal of dredge materials in upland areas outside of shoreline jurisdiction.
- E. Discourage the disposal of dredge material on shorelands or wetlands within a river's channel migration zone.
- F. Discourage dredging and dredge material disposal in areas that would interfere with navigation, critical areas, aquaculture, fisheries, and areas with potential ecological restoration.

5.5.3 Regulations:

- A. Maintenance dredging of existing navigation channels and basins is restricted to the locations, depth, and width previously authorized through applicable county, state, and federal permits. This activity is exempt development under this Master Program.
- B. Restrict dredging to the minimum necessary for accommodating water-dependent development.
- C. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material is limited to the following conditions:
 - i. The material is necessary for the restoration of shoreline ecological functions and placed waterward of the ordinary high-water mark;
 - ii. The project is associated with a MTCA or CERCLA habitat restoration project; or
 - iii. Any other significant habitat enhancement project if approved through a shoreline conditional use permit.
- D. The disposal of dredge material on shoreland or wetlands within a river's channel migration zone is not preferred and requires a conditional use permit.
- E. The discharge of dredge material into the flowing current of a river or deep-water channel where it does not substantially affect the geohydrologic character of the channel migration zone is an allowed shoreline modification.

- F. Dredge material deposited on land shall be considered fill and subject to Section 5.6.
- G. Disposal of dredged material in water areas other than sites authorized under Washington State's Dredged Materials Management Program may be allowed in approved locations for the following purposes:
 - i. To restore or enhance habitat;
 - ii. To establish substrates for fish and shellfish resources;
 - iii. To nourish beaches that are starved for sediment; or
 - iv. To remediate contaminated sediments.

Section 5.6 Fill and Excavation Activities

5.6.1 Goal:

Avoid fill and excavation activities along shorelines except when necessary to accommodate an approved shoreline development or use, or when associated with enhancement or restoration of shoreline habitat and landforms.

5.6.2 Policies:

- A. Fill and excavation activities in shoreline jurisdiction should be limited to the minimum necessary to accommodate a preferred use and protect shoreline ecological functions.
- B. Monitor and consider the cumulative impacts of fill to properties, public facilities and services, and shoreline ecological functions in areas susceptible to tidal influences, and flood events.

5.6.3 Regulations:

- A. Fill and excavation activities shall minimize impacts to soils and native vegetation.
- B. Fill and excavation activities shall use erosion control provisions during construction, and stabilize and revegetate disturbed areas immediately after completion of construction activities.
- C. Fill and excavation shall be scheduled to minimize adverse impacts, including, but not limited to damage to water quality and aquatic life.
- D. The placement of fill waterward of the ordinary high water mark may occur only when necessary for an approved development and no other feasible alternative exists for:
 - i. Water-dependent development;
 - ii. Ecological restoration or enhancement project;
 - iii. Aquaculture operations to improve production;
 - iv. Public facilities and services;

- v. Water-oriented public access or recreation;
 - vi. Beach nourishment;
 - vii. Disposal of dredge material consistent with the dredged material management program; or
 - viii. Cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan.
- E. A conditional use permit is necessary for any fills waterward of the ordinary high water mark and in associated wetlands except for ecological restoration projects.
- F. Fill and excavation activities shall avoid floodplains and channel migration zones except when geohydraulic analysis demonstrates that the development will not:
 - i. Increase flood velocity;
 - ii. Increase potential channel migration;
 - iii. Create risks to life or property; or
 - iv. Decrease flood storage capacity.
- G. Fills shall avoid critical areas and critical area buffers to the greatest extent feasible.
- H. Fills, excavations, and beach nourishment shall consist of appropriate materials that will blend physically and visually with the existing topography while ensuring there will be no interference with long-term use, including public access.
- I. Fill material shall be free of contaminated materials.

Section 5.7 Docks, Piers, Floats, and Boat Launches

5.7.1 Goal:

Develop docks, piers, floats, and boat launches to serve residential, commercial, and recreational uses effectively while ensuring the protection of shoreline ecological functions and values.

5.7.2 Policies:

- A. Multiple use, expansion, and/or restoration of existing piers, docks, and floats should be encouraged over construction of new structures when possible.
- B. The size of piers and floats should be the minimum necessary to meet the needs of the proposed water-dependent use.
- C. The location of piers, floats, and boat launches should be in areas that create the least impact to shoreline functions.

- D. Avoid locating piers and docks where shallow depths require excessive overwater lengths or frequent dredging.
- E. Encourage residential developments to provide joint use or community dock facilities.
- F. Encourage residences to rely on mooring buoys rather than docks, piers, or floats.
- G. Allow commercial and public piers and docks to construct larger structures if a needs analysis demonstrates there will be a need to expand facilities in the future.

5.7.3 Regulations:

- A. New docks, piers, and floats shall be allowed only for water-dependent uses or public access. A dock associated with a single-family residence is a water dependent use if it is designed and intended as a facility for access to watercraft and complies with the provisions of this Master Program.
- B. A single-family residence shall not have more than one single-use pier or dock per lot.
- C. Docks and piers for commercial, industrial, and transportation uses shall only serve water-dependent uses and shall be the minimum size necessary to accommodate the proposed use, provided, however, that larger structures may be permitted if an analysis demonstrates the need for future expansion over the next 10 years.
- D. The design of all new residential docks, piers, and floats shall be the minimum necessary for their intended use. The following standards shall apply:
 - i. Docks and piers:
 - a) The width shall not exceed 4 feet for single-use or 6 feet for joint-use;
 - b) Piers shall be no longer than the maximum length necessary to reach useable water to ensure vessels do not rest on substrate at any time.
 - ii. Floats:
 - a) The width of a single-use float shall not exceed 8 feet in width and 30 feet in length;
 - b) The width of a joint-use float shall not exceed 8 feet in width and 60 feet in length;
 - c) Grating of the surface area may be required to address shading impacts; and
 - d) The float location shall ensure that the float, anchor lines, or any vessel shall not rest on substrate at any time.
 - iii. Ramp widths shall not exceed 4 feet.
 - iv. Piers and floats shall be located at least 10 feet away from the abutting side property line or the imaginary extension thereof into the water.
 - v. The Administrator may approve increasing the maximum dimensions for piers, floats, and ramps to accommodate a resident with disabilities.

- E. Docks existing before the adoption of this Master Program that do not comply with this section may be repaired with appropriate permitting without changing the dimensions or configuration. However, a modification to a non-compliant dock may not exceed its nonconformity.
- F. The location and design of docks and floats shall not interfere with navigation or public access.
- G. The design and construction of new or expanded docks shall consist of materials approved by applicable state agencies.
- H. No pier or dock shall be used as a residence.
- I. Storage of fuel, oils, and other toxic materials is prohibited on residential docks and piers.

Section 5.8 Shoreline Habitat Restoration and Enhancement Projects

5.8.1 Goal:

Encourage shoreline restoration and enhancement projects that improve shoreline ecological functions that contribute to public health and safety, the county's economy, and healthy fish and wildlife populations.

5.8.2 Policies:

- A. Encourage property owners, community groups, local, state, federal, and tribal entities to aid in implementing restoration projects identified through the Grays Harbor County Shoreline Restoration Plan.
- B. Consider and utilize available data relating to flood events when developing and implementing shoreline habitat restoration and natural systems enhancement projects.
- C. Integrate identified habitat and natural systems enhancement projects with required mitigation measures under Section 3.3.3.C whenever feasible.
- D. The design and construction of shoreline restoration and enhancement projects should be consistent with best management practices.

5.8.3 Regulations:

- A. Shoreline restoration and enhancement projects shall be consistent with applicable provisions of this Master Program and the county Shoreline Restoration Plan.
- B. Fish habitat enhancement projects conforming to the provisions of RCW 77.55.181 shall be exempt from substantial development permits when consistent with the master programs, as follows:
 - i. A fish habitat enhancement project must accomplish one or more of the following tasks:

- a) Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - b) Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - c) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.
- ii. A fish habitat enhancement project must be approved in one of the following ways:
- a) By the Department of Fish and Wildlife pursuant to Chapter 77.95 or 77.100 RCW;
 - b) By the sponsor of a watershed restoration plan as provided in Chapter 89.08 RCW;
 - c) By the department as a Department of Fish and Wildlife -sponsored fish habitat enhancement or restoration project;
 - d) Through the review and approval process for the Jobs for the Environment Program;
 - e) Through the review and approval process for Conservation District-sponsored projects, where the project complies with design standards established by the Conservation Commission through the interagency agreement with the United States Fish and Wildlife Service and the Natural Resource Conservation Service;
 - f) Through a formal grant program established by the legislature or the Department of Fish and Wildlife for fish habitat enhancement or restoration; and
 - g) Through other formal review and approval processes established by the legislature.
- C. The county shall not require permits or charge fees for fish habitat enhancement projects that meet the criteria under B of this subsection.
- D. The creation or expansion of restoration and enhancement projects may be permitted or exempt, subject to required state or federal permits, when the applicant has demonstrated that:
- i. The project will not adversely impact spawning, nesting, or breeding within fish and wildlife habitat conservation areas;
 - ii. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected;
 - iii. Water quality will not be degraded;

- iv. Flood storage capacity will not be degraded;
- v. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
- vi. The project will not interfere with the normal public use of the navigable waters of the state.

Section 5.9 Shoreline stabilization

5.9.1 Goal:

Avoid or minimize the need for shoreline stabilization, and if unavoidable, give preference to nonstructural stabilization methods over structural ones.

5.9.2 Policies:

- A. Use structural shoreline stabilization measures only when more natural, non-structural methods, such as vegetative stabilization, beach nourishment, and bioengineering have been determined not feasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - i. Take no action and allow the shoreline to retreat naturally. protect structures by increasing building setbacks or relocating them.
 - ii. Construct flexible defense works of natural materials that may include soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization.
 - iii. Replace failing structures and allow expansion if no other practical alternative exists.
 - iv. Allow the construction of rigid works consisting of artificial materials such as riprap or concrete when alternative methods have been determined infeasible.
 - v. Permit the construction of larger works, such as jetties, breakwaters, or groin systems, only when no other practical alternatives exist.
- B. Encourage best management practices and allow for shoreline stabilization measures along shorelines on resource lands of long-term commercial significance to control erosion problems that affect fish and wildlife habitat and to protect the economic viability of its use.
- C. Locate and design new development along shorelines to minimize the future need for shoreline stabilization to the greatest extent feasible.
- D. Allow structural shoreline stabilization only where there is a demonstrated need to support or protect an existing primary structure that is in danger of substantial damage or loss.

- E. Provide incentives for property owners to remove structural shoreline stabilization or replace them with nonstructural modifications.
- F. Consider the impacts to area properties when evaluating proposals for shoreline modifications.
- G. Assure that the development of individual shoreline modifications do not have a cumulative adverse impact on flooding, erosion, and shoreline ecological functions.
- H. Consider and utilize data relating to flood events and monitor its potential impacts to shoreline stabilization projects along shorelines in the Pacific Ocean and Aquatic Environments.

5.9.3 Regulations:

- A. New structural shoreline stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
 - i. To protect existing primary structures:
 - a) There is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, waves, or flood events. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstrated need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; and
 - b) The erosion control structure will not result in a net loss of shoreline ecological functions.
 - ii. In support of new nonwater-dependent development, including single-family residences, when all of the following conditions apply:
 - a) The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
 - b) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or insufficient;
 - c) A geotechnical report demonstrates the need to protect primary structures from damage due to erosion. The damage must be the result of natural aquatic processes, such as tidal action, currents, waves, and flood events; and
 - d) The erosion control structure will not result in a net loss of shoreline ecological functions.
 - iii. In support of water-dependent development when all of the following conditions below apply:

- a) The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
 - b) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - c) A geotechnical report demonstrates the need to protect primary structures from damage due to erosion. The damage must be the result of natural aquatic processes, such as tidal action, currents, and flood events; and
 - d) The erosion control structure will not result in a net loss of shoreline ecological functions.
- iv. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D when all of the conditions below apply:
- a) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or insufficient; and
 - b) The erosion control structure will not result in a net loss of shoreline ecological functions.
- v. To reduce accelerated erosion along resource lands of long-term commercial significance when the following conditions apply:
- a) There is conclusive evidence documented by geotechnical analysis that shows excessive shoreline erosion is:
 - 1. Impacting fish and wildlife habitat by contributing to reduced water quality, loss of riparian habitat, decreased channel complexity, and/or increased sedimentation; and/or
 - 2. Contributing to a significant loss of shoreland that is impacting the use and/or economic viability of the property;
 - b) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or insufficient;
 - c) The stabilization measure(s) will not interfere with normal hydrological and geomorphologic processes;
 - d) The erosion control structure will not result in a net loss of shoreline ecological functions.
- B. A property owner may replace an existing shoreline stabilization structure with a similar structure if there is a demonstrated need to protect primary uses or structures from erosion caused by currents, tidal action, waves, or flood events. Replacement may occur in accordance with the following provisions:
- a) The design, location, size, and construction of the replacement structure results in no net loss of shoreline ecological functions;

- b) Replacement walls or bulkheads do not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied before January 1, 1992 and there is significant safety or environmental concern. In such cases, the replacement structure shall abut the existing shoreline stabilization structure;
 - c) Where a net loss of shoreline ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure; and
 - d) Replacement of structural stabilization measures with nonstructural ones that restore shoreline ecological functions may locate waterward of the ordinary high-water mark.
- C. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- D. Construction of a normal protective bulkhead common to a single-family residence shall meet the following requirements:
- i. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land.
 - ii. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill.
 - iii. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings.
 - iv. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark.
- E. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements have been approved by the Washington Department of Fish and Wildlife.
- F. When allowed pursuant to the provisions of this Master Program, structural shoreline stabilization must meet all of the following requirements:
- i. The impacts can be mitigated in accordance with the mitigation sequencing established under Section 3.3.3.C to ensure there is no net loss of ecological functions;
 - ii. The size of a shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure or use. Shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or

engineering geologist, and constructed according to applicable state and federal laws;

- iii. The shoreline stabilization shall be constructed and maintained in a manner that does not degrade the quality of affected waters; and
- iv. No demolition debris or other solid waste shall be used for shoreline stabilization.

Chapter 6: Ocean Management

Section 6.1 Goal

Protect and enhance ocean resources as a cornerstone to the environment, economy, and culture for all citizens of Grays Harbor County and the State of Washington by managing them in a manner that avoids their degradation or avoids and minimizes conflicts between uses.

Section 6.2 Applicability

- 6.2.1 This chapter is consistent with the purpose and intent of Chapter 43.143, the Ocean Resources Management Act, and WAC 173-26-360, Ocean Resources, and applies to shorelines within the Aquatic and Pacific Ocean Environments.
- 6.2.2 This chapter shall not modify current resource allocation procedures or regulations administered by other agencies, such as the Washington Department of Fish and Wildlife's management of recreational and commercial fisheries, nor shall it regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean uses.
- 6.2.3 The applicability of this Master Program shall not alter any treaty rights, regulate fisheries, limit recreational use, interfere with the issuance of leases on state-owned aquatic lands, or supersede any other applicable state and federal laws beyond what the scope of the Act allows.

Section 6.3 Ocean Management Jurisdiction

- 6.3.1 RCW 43.143.005(4) designates the State of Washington as having primary jurisdiction over the management of coastal and ocean natural resources within three miles of the county coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.
- 6.3.2 The jurisdiction of this Master Program in the Pacific Ocean Environment shall be limited to reviewing an action that is located exclusively in the county, or that the environmental impacts of the action are confined solely to the county.
- 6.3.3 After inclusion in the state coastal zone management program, this Master Program and WAC 173-26-360 will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. The adoption of this Master Program shall not preclude the county from opposing the introduction of new uses in the Pacific Ocean Environment.

Section 6.4 Relationship to Marine Spatial Planning

- 6.4.1 This Master Program implements the provisions of WAC 173-26-360 in coordination with Marine Spatial Planning authorized under the Marine Waters Planning and Management Act, Chapter 43.372 RCW.
- 6.4.2 While Marine Spatial Planning is a planning process still underway, the county will strive to consider and integrate the most current, accurate, and complete scientific information available generated through that process into current permit actions and future Master Program amendments. This may include evaluating the Pacific Ocean Shoreline Environment to select appropriate environments for ocean resources uses and development that best meets the intent of the Act and Chapter 173-26 WAC and ORMA.

Section 6.5 Criteria for Permitting Ocean Resources Development

- 6.5.1 The county may authorize ocean resources uses and development as a substantial development, conditional use, or variance based on meeting or exceeding the following criteria:
 - A. There is a demonstrated significant local, state, or national need for the proposed development;
 - B. There is no reasonable alternative to meet the public need for the proposed development;
 - C. There will be no likely long-term significant adverse impacts to coastal or marine resources or existing uses;
 - D. Adverse social and economic impacts are mitigated consistent with Section 3.3.3.C, to uses such as, but not limited to, aquaculture, recreation, tourism, navigation, air and water quality, coastal erosion, treaty rights, and recreational, commercial, and tribal fishing;
 - E. Compensation is provided to mitigate adverse impacts to coastal resources or uses;
 - F. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
 - G. The use or activity complies with all applicable local, state, and federal laws and regulations.
- 6.5.2 The procedures for permit applications for all ocean resources development shall conform to Chapter 7 of this Master Program.
- 6.5.3 Table 3 identifies the permits required for ocean uses and development.

Section 6.6 General Policies for Ocean Resources Development

- 6.6.1 The following policies apply to all ocean resources uses and development, their service, distribution, and supply activities and their associated facilities that require shoreline permits:
- A. Ocean uses and activities that will not adversely affect renewable resources have priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall have priority over uses that will have greater adverse impacts.
 - B. Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should have priority over uses and activities that will have more such impacts.
 - C. When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster will have priority.
 - D. The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.
 - E. Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.
 - F. Impacts on commercial resources, such as commercial and recreational fisheries, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social, and economic impacts to coastal resources and uses.
 - G. Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction, and use.
 - H. Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned decommissioning and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.
 - I. The location, design, and operation of ocean resources development and their associated shoreline facilities should prevent, avoid, and minimize adverse impacts to:

- i. Migration routes and habitat areas of species listed as endangered or threatened;
 - ii. Environmentally critical and sensitive habitats, such as breeding, spawning, nursery, foraging areas and wetlands;
 - iii. Areas of high productivity for marine biota such as upwelling and estuaries; and
 - iv. Existing preferred uses.
- J. Locate ocean resources development to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.
- K. Locate and design ocean resources development and their associated facilities to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with Chapter 27.34 RCW and 0 of this Master Program.
- L. Locate, design, and operate ocean resources development and their distribution, service, and supply vessels and aircraft in a manner that avoids or minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during their established, traditional, or recognized times they are used or when the resource could be adversely impacted.
- M. Route ocean use service, supply, and distribution vessels and aircraft to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.
- N. When locating and designing associated onshore facilities, ocean resources development shall give special attention to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities have adequate protection from explosions, spills, and other disasters.
- O. The location and design of ocean resources development and their associated facilities should minimize impacts on existing water dependent businesses and existing land transportation routes to the greatest extent feasible.
- P. Locate land-based development and uses associated with ocean resources development in communities where there is adequate sewer, water, power, streets, and appropriate emergency services. Use existing marine terminals before creating new ones, if space is available.
- Q. The scheduling and method of constructing ocean resources development facilities and the location of temporary construction facilities should minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.
- R. Give special attention to the effect that ocean resources development facilities will have on recreational activities and experiences, such as public access, aesthetics, and views.

- S. Consider the detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture in avoiding and minimizing adverse social and economic impacts.
- T. Give special attention to methods that prevent, avoid, and minimize adverse impacts, such as noise, light, temperature changes, turbidity, water pollution, and contaminated sediments on shoreline environments. Give such attention particularly during critical migration periods and life stages of marine species and critical oceanographic processes.
- U. Require the preparation of environmental baseline inventories, assessments, and monitoring programs of ocean uses before permitting ocean resources development when limited or no information exists about the potential effects of a development on marine and estuarine ecosystems, renewable resource uses, and coastal communities or the technology if change is likely.
- V. The design, construction, and operation of oil and gas, mining, disposal, and energy producing ocean resources development should minimize environmental impacts on the shoreline environment, particularly the seabed communities, and minimize impacts on recreation and existing renewable resource uses, such as fishing.
- W. To the extent feasible, chose the location of oil and gas, and mining facilities to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.
- X. The discontinuance or shutdown of ocean resources development should minimize impacts to renewable resource ocean uses, such as fishing, and should restore the seabed to a condition similar to its original state to the greatest extent feasible.

Section 6.7 Oil and Gas Development

- 6.7.1 RCW 43.143.010(2) prohibits the lease of Washington's tidal or submerged land for oil and gas exploration, development or production, within the Grays Harbor Estuary and the Pacific Ocean, extending from mean high tide seaward three nautical miles.

Section 6.8 Ocean Mining Development

- 6.8.1 Ocean mining development means the extraction of metal, mineral, sand, and gravel resources from the sea floor.
- 6.8.2 The location and operation of ocean mining development shall avoid detrimental effects on ground fishing or other renewable resource uses.
- 6.8.3 The location and operation of ocean mining development shall avoid detrimental effects on beach erosion or accretion processes.
- 6.8.4 Permit applicants for ocean mining development shall provide sufficient analysis by a qualified professional regarding habitat recovery rates for affected sea floor areas.

Section 6.9 Ocean Energy Development

- 6.9.1 Ocean energy development means the production of energy in a usable form directly in or on the ocean rather than extracting a raw material for use in producing energy in a usable form elsewhere. Ocean energy generation sources may include, but are not limited to, wind, wave, tidal, and ocean thermal energy conversion systems.
- 6.9.2 The location, construction, and operation of energy-producing uses shall not create detrimental effects on beach accretion or erosion and wave processes.
- 6.9.3 Permit applicants for ocean energy development shall prepare assessments that evaluate the effect of energy producing uses on upwelling and other oceanographic and ecosystem processes.
- 6.9.4 Associated energy distribution facilities and lines for ocean energy development shall conform to the provisions of Section 4.13 and locate in existing utility rights-of-way and corridors to the greatest extent feasible, rather than creating new corridors.

Section 6.10 Ocean Disposal Development

- 6.10.1 Ocean disposal development means the deliberate deposition or release of material at sea, such as solid wastes, industrial wastes, radioactive wastes, incinerator residues, dredged materials, vessels, aircrafts, ordnance, platforms, or other manmade structures.
- 6.10.2 The storage, loading, transporting, and disposal of materials shall in conform to the Dredged Material Evaluation and Disposal Procedures User Manual, August 2016 or most current edition.
- 6.10.3 Ocean disposal shall occur only in sites approved by the Washington Department of Ecology, the Washington Department of Natural Resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.
- 6.10.4 The location and design of ocean disposal sites shall prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for the primary purpose of habitat enhancement may locate in a wider variety of habitats, but the general intent of the guidelines shall still apply.

Section 6.11 Ocean Transportation

- 6.11.1 This section applies to ocean transportation that originates or terminates within Washington's coastal waters, or that transports a nonrenewable resource extracted from the outer continental shelf off Washington.
- 6.11.2 Ocean transportation includes such uses as shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports.

6.11.3 Transportation activities should be consistent with the following:

- A. An assessment should be made of the impact transportation uses will have on renewable resource activities, such as fishing, and on environmentally critical and sensitive habitat areas, environmental and scientific preserves, and sanctuaries.
- B. When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.
- C. Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

Section 6.12 Ocean Research

- 6.12.1 Ocean research activities involve scientific investigation for furthering knowledge and understanding of the ocean environment.
- 6.12.2 Ocean research shall not result in a net loss of shoreline ecological functions.
- 6.12.3 The county shall require ocean research activities to coordinate with other ocean resources developments or ocean uses that occur within the same area to minimize potential conflicts.
- 6.12.4 Ocean research activities that meet the definition of "exploration activity" within WAC 173-15-020 shall exclude oil and gas development in accordance with RCW 42.143.010(2).
- 6.12.5 The use of fixed structures in ocean research, such as gravity-based structures, jack-up rigs, and steel jacket platforms, shall require a shoreline conditional use permit.
- 6.12.6 The completion or discontinuation of all ocean research shall restore the environment to its original condition to the greatest extent feasible and consistent with the purpose of the research.
- 6.12.7 The county encourages the public dissemination of ocean research findings.

Section 6.13 Ocean Salvage

- 6.13.1 Ocean salvage activities involve relatively small sites occurring intermittently. An example of ocean salvage activities is the archeological salvage of historic shipwrecks,

which include aspects of recreation, exploration, research, and mining. This section is not applicable to salvage operations for the emergency assistance or recovery of vessels.

- 6.13.2 Ocean salvage activities shall not result in a net loss of shoreline ecological functions.
- 6.13.3 Ocean salvage activities shall conform to the provisions under 0 regarding the protection of archeology, historic, and scientific resources.
- 6.13.4 Nonemergency marine salvage and historic shipwreck salvage activities shall avoid or minimize adverse impacts to shoreline ecological functions, ecosystem-wide species, and renewable resources such as fishing.
- 6.13.5 Nonemergency marine salvage and historic shipwreck salvage activities shall not occur in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

Chapter 7: Permit Procedures and Enforcement

Section 7.1 Statement of applicability and purpose

Except when excluded by statute, all development undertaken on shorelines of the state shall be consistent with Chapter 90.58 RCW and the provisions of this Master Program, regardless of whether a shoreline substantial development permit, letter of exemption, shoreline variance, or shoreline conditional use permit is required.

Section 7.2 Exemptions from substantial development permits

7.2.1 Applicability

Certain developments are exempt from the substantial development permit requirements of the Act and this Master Program. These developments are those set forth in WAC 173-27-040 (or as amended), and do not meet the definition of substantial development under RCW 90.58.030(3)(e).

7.2.2 Application and interpretation of exemptions

- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be exempt from the Substantial Development Permit process.
- B. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this Master Program, or from any other regulatory requirements. For example, the exemption for a single-family bulkhead shall comply with the policies and regulations for shoreline stabilization under Section 5.9 even though exempt from the substantial development permit.
- C. Any unlisted development or development listed as a conditional use within this Master Program shall obtain a conditional use permit in accordance with Section 7.3.2.
- D. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- E. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- F. The county may attach conditions to the approval of exempt development as necessary to assure consistency of the project with the Act and this Master Program.

7.2.3 WAC 173-24-040 lists activities that are exempt from the requirement to obtain a shoreline substantial development permit under this Master Program.

- A. Any development of which the total cost or fair market value, whichever is higher, does not exceed 6,416 dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established

in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c).

- B. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
- C. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.
- D. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an

emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

- E. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
- F. Construction or modification of navigational aids such as channel markers and anchor buoys.
- G. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter [90.58](#) RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
- H. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed: (I) Twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced, and are located in a county,

city, or town that has updated its master program consistent with the master program guidelines in chapter 173-26 WAC as adopted in 2003; or (II) ten thousand dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either (e)(vii)(A) or (B) of this subsection (3), the subsequent construction shall be considered a substantial development for the purpose of this chapter. All dollar thresholds under (e)(vii)(B) of this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2018, based upon changes in the consumer price index during that time period.

- I. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands.
- J. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
- K. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
- L. Any project with a certification from the governor pursuant to Chapter 80.50 RCW, Energy Facilities.
- M. Site exploration: Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under the Act if:
 - i. The activity does not interfere with the normal public use of the surface waters;
 - (a) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (b) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - (c) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - (d) The activity is not subject to the permit requirements of RCW 90.58.550.
- N. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to

weed control that are recommended by a final environmental impact statement published by the Washington Department of Agriculture or Ecology jointly with other state agencies under Chapter 43.21C RCW;

- O. Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
- i. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - a) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.
 - ii. "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter [43.21C](#) RCW, the State Environmental Policy Act.
- P. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
- i. The project has been approved in writing by the department of fish and wildlife;

- ii. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and
 - iii. The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.
- Q. Conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090. Such actions do not require local review or a letter of exemption.
- R. Installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. The Department of Ecology must ensure compliance with the substantive requirements of the Act through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities. Such actions do not require local review or a letter of exemption.
- S. The following department of transportation projects and activities do not require a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government:
- i. Maintenance, repair, or replacement that occurs within the roadway prism of a state highway as defined in RCW 46.04.560, the lease or ownership area of a state ferry terminal, or the lease or ownership area of a transit facility, including ancillary transportation facilities such as pedestrian paths, bicycle paths, or both, and bike lanes;
 - ii. Construction or installation of safety structures and equipment, including pavement marking, freeway surveillance and control systems, railroad protective devices not including grade separated crossings, grooving, glare screen, safety barriers, energy attenuators, and hazardous or dangerous tree removal;
 - ix. Maintenance occurring within the right-of-way; or
 - x. Construction undertaken in response to unforeseen, extraordinary circumstances that is necessary to prevent a decline, lapse, or cessation of service from a lawfully established transportation facility.
- T. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C Section 12101 et

seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

7.2.4 Letter of exemption

- U. Any person claiming exemption from the substantial development permit requirements shall make an application to the Administrator for such an exemption, except that no written letter of exemption is required for emergency development that is consistent with Section 7.2.3 D of this Master Program.
- V. The Administrator may grant or deny requests for exemption from the shoreline substantial development permit requirement for uses and developments within shorelines listed in Section 7.2.3.
- W. Exempt activities shall not be conducted until a written letter of exemption has been obtained from the Administrator.
- X. The Administrator shall issue a written letter of exemption and send it to Ecology, the applicant, and maintain a copy on file in the offices of the Administrator. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Master Program and Act.
- Y. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Administrator's decision on a letter of exemption may be reconsidered by submittal of an appeal to the Planning Commission.

Section 7.3 Types of shoreline permits

7.3.1 Substantial development permit

- A. The Act provides that no substantial development shall take place on the shoreline of the state without first obtaining a substantial development permit.
- B. The county shall grant a substantial development permit only when the permit applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this Program, as well as criteria in WAC 173-27-150.
- C. The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions listed under Section 7.2 and in RCW 90.58.030 do not require a substantial development permit. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this Master Program and may require other permits or approvals.
- D. The county may issue a substantial development permit with limitations or conditions to assure consistency with the Act and this Master Program.

- E. The Administrator shall forward a Notice of Decision on an application for a substantial development permit with the Department of Ecology pursuant to [Section 7.5.10](#) and WAC 173-27-130.

7.3.2 Shoreline conditional use permits

- F. The purpose of a shoreline conditional use permit is to provide flexibility in authorizing uses in a manner consistent with RCW 90.58.020. Accordingly, the county may impose special conditions to prevent undesirable effects of the proposed development to assure consistency of the project with the Act and this Master Program.
- G. The county shall grant a shoreline conditional use permit only after the applicant can demonstrate compliance with WAC 173-27-160 and this section as follows:
 - i. That the proposed use is consistent with the policies of RCW 90.58.020 and this Program;
 - ii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iii. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and;
 - iv. That the public interest suffers no substantial detrimental effect.
- H. In the granting of all conditional use permits, the county shall consider the cumulative impact of additional requests for like actions in the area. For example, if there were conditional use permits granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- I. The Administrator shall forward a notice of decision on an application for a shoreline conditional use permit to The Department of Ecology pursuant to Section 7.5.10 and WAC 173-27-130, -190, and -200, for final approval, approval with conditions, or denial. No approval is final until The Department of Ecology acts upon the conditional use permit.

7.3.3 Unclassified and prohibited uses

- A. Other uses not classified or set forth in this Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- B. Uses specifically prohibited by this Master Program may not be authorized pursuant to this section.

7.3.4 Variances

- A. The purpose of a variance permit is strictly limited to circumstances where:
 - i. Granting relief from specific bulk, dimensional, or performance standards (not uses) set forth in this Master Program; and
 - ii. There are extraordinary or unique circumstances relating to the physical character or configuration of the property such that the strict implementation of this Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. In all instances, the permit applicant shall show evidence that extraordinary circumstances exist and the public interest suffers no substantial detrimental effect.
- C. Variance permits for development located landward of the ordinary high mark, and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the Master Program preclude, or significantly interfere with, reasonable use of the property;
 - ii. That the hardship described Section 7.3.4(A) is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, and not from deed restrictions or from the actions of the applicant or a predecessor in title;
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Master Program, and will not cause net loss to shoreline ecological functions;
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. That the variance requested is the minimum necessary to afford relief; and
 - vi. That the public interest will suffer no substantial detrimental effect.
- D. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in this Master Program preclude all reasonable use of the property;
 - ii. That the proposal is consistent with the criteria established under Section 7.3.4.C; and
 - iii. The action will not adversely affect public rights of navigation and use of the shorelines.

- E. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if there were previous granting of variances to other developments in the area where similar circumstances exist, the total of the variances shall remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to shoreline ecological functions.
- F. Variances shall not authorize prohibited uses listed within Tables 1 through 3 under Section 2.11.
- G. The county shall forward its Notice of Decision on applications for shoreline variance permits to The Department of Ecology pursuant to Section Section 7.5.10 and WAC 173-27-130, -190, and -200, for final approval, approval with conditions, or denial. No approval is final until The Department of Ecology acts upon the variance permit.

Section 7.4 Authority and responsibility

7.4.1 Administrator

- A. The Planning Director or his/her designee is the Administrator of this Master Program.
- B. The responsibility and authority of the Administrator is to:
 - i. Provide overall administration of this Master Program;
 - ii. Make administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act in consultation with the Department of Ecology;
 - iii. Advise interested people and prospective permit applicants as to the requirements and administration of this Master Program;
 - iv. Grant or deny statements of exemption;
 - v. Determine completeness of application materials and coordinate permit application compliance with environmental review under Chapter 18.04 GHCC;
 - vi. Prepare and distribute Notices of Application and coordinate receipt of public comment;
 - vii. Prepare and adopt findings of fact, conclusions, and decision that grants or denies a substantial development permit;
 - viii. Issue a stop work order pursuant to the procedures set forth in WAC 173-27-270 upon a person undertaking an activity on shorelines in violation of RCW 90.58 or this Master Program and to seek remedies for alleged violations;
 - ix. Prepare written recommendations to the Planning Commission on permit applications for conditional use permits, variances, and consolidated permits, and to assure that all relevant information, testimony, and questions regarding a specific matter is available to the Planning Commission during their review and decision process; and

- x. Prepare and submit to the Department of Ecology a final decision by the county on the permit application or a permit revision.

7.4.2 Planning Commission

- A. The authority of the Grays Harbor Planning Commission is to:
 - i. Hear appeals relating to administrative interpretations and decisions, including letter of exemptions and substantial development permits;
 - ii. Prepare and adopt findings of fact, conclusion, and decision that grants or denies a conditional use permit;
 - iii. Prepare and adopt findings of fact, conclusion, and decision that grants or denies a variance; and
 - iv. Prepare and adopt findings of fact, conclusion, and decision that grants or denies a consolidated permit.
- B. The Planning Commission has the responsibility to periodically review the Master Program and make recommendations for amendments to the Board of Commissioners in accordance with the procedures set forth in Chapter 8.

7.4.3 Hearing Examiner

- A. Ordinance 429 grants the Board of County Commissioners the ability to opt for a Hearing Examiner which has the same authority as the Planning Commission under Section 7.4.2 A.

7.4.4 Board of Commissioners

- A. The Grays Harbor County Board of Commissioners is responsible for initiating and adopting amendments to this Master Program in accordance with Chapter 8.

Section 7.5 Application review and appeal procedures

7.5.1 Pre-application conferences

- A. Before filing a permit application for a shoreline substantial development permit, variance or conditional use permit decision, the applicant should contact the county to schedule a pre-application conference. The conference is not required, but may be requested by the applicant, for development activities associated with shoreline restoration projects, agriculture, commercial forestry, or the construction of a single-family residence.
- B. The purpose of the pre-application conference is for the county to review and discuss the application requirements with the prospective permit applicant and provide initial comments on the development proposal. The county shall schedule the pre-application conference within 30 days from the date of receiving the applicant's request.

- C. Information presented at or requested during the pre-application conference shall be valid for a period of 180 days following the pre-application conference. An applicant wishing to submit a permit application more than 180 days following a pre-application for the same permit application shall have to schedule another pre-application conference.
- D. At or subsequent to a pre-application conference, the county may issue a preliminary determination that a proposed development is not permissible under the Master Program.

7.5.2 Minimum application requirements

- A. A complete application for a Substantial Development, Conditional Use, or Variance Permit shall contain, at a minimum, the following information:
 - i. The name, address, and phone number of the applicant: The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - ii. The name, address and phone number of the applicant's representative if other than the applicant.
 - iii. The name, address and phone number of the property owner, if other than the applicant.
 - iv. Location of the property: This shall include at a minimum the property address and identification of the section, township, and range to the nearest quarter, quarter section, or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
 - v. Identification of the name of the shoreline (waterbody) with which the site of the proposal is associated. This should be the waterbody from which jurisdiction of the Act over the project is derived.
 - vi. A general description of the proposed project that includes the proposed development and modifications necessary to accomplish the project.
 - vii. A general description of the property as it now exists including its physical characteristics and improvements and structures.
 - viii. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures, and improvements, intensity of development and physical characteristics.
 - ix. A State Environmental Policy Act checklist, when required.
 - x. Special critical area reports required under Section 18.06.020 GHCC.

- xi. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
- a) The boundary of the parcel(s) of land upon which the development is proposed; and
 - b) The ordinary high water mark of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 - c) Existing and proposed land contours: The contours shall be at intervals sufficient to determine accurately the existing character of the property and the extent of the proposed change to the land that is necessary for the development. Areas within the boundary that not altered by the development may be indicated as such and contours approximated for that area.
 - d) A delineation of all wetland areas, including those that will be altered or used as a part of the development.
 - e) A general indication of the character of vegetation found on the site.
 - f) The dimensions and locations of all existing and proposed structures and improvements including, but not limited to; buildings, paved or graveled areas, roads, utilities, onsite sewage systems, material stockpiles or surcharge, overwater structures, shoreline stabilization improvements, and stormwater management facilities.
 - g) Where applicable, a landscaping plan for the project.
 - h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
 - i) Quantity, source, and composition of any fill material placed on the site, whether temporary or permanent.
 - j) Quantity, composition, and destination of any excavated or dredged material.
 - k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, and existing development and uses on adjacent properties.
 - l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
 - m) On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical

features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

- xii. The required permit application fee.

7.5.3 Determination of Completeness

- A. Within 28 days after receiving a permit application for a shoreline substantial development permit, conditional use permit, or variance, the county shall mail or provide in person to the permit applicant a written Determination of Completeness stating either that:
 - i. The application is complete; or
 - ii. The application is incomplete and what information is necessary to make the application complete
- B. Failure of the permit applicant to submit sufficient information for a threshold determination shall be grounds for the Administrator to determine the application incomplete.
- C. To the extent known by the county, the Determination of Completeness shall identify other agencies of local, state, federal, and tribal governments that may have jurisdiction over some aspect of the application.
- D. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the county and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the county from requesting additional information or studies whether at the time of the notice of completeness or afterward if new information is required or substantial changes in the proposed action occur.
- E. An application is complete under this section if the county does not issue a written Determination of Completeness to the permit applicant within 28 days of receipt.
- F. Within 14 days, after an applicant has submitted to the county any additional information identified by the county as being necessary for a complete application, the county shall notify the applicant whether the application is complete or what additional information is necessary.

7.5.4 Consolidated permits

The Administrator shall consolidate a permit application required under this Master Program with other permit applications related to the same proposal whenever Titles 17 and/or 18 GHCC requires a public hearing; provided, however, the permit applicant may request the county to review each permit application separately. The county shall perform a critical area review for any permit or approval requested as required under GHCC 18.06.015 C.

7.5.5 Notice of Application

- G. Upon receipt of a completed permit application, the county shall issue a Notice of Application within 14 days of the Determination of Completeness that contains the following information:
- i. A description of the project;
 - ii. The date of the application, the date of the Determination of Completeness, and the date of the Notice of Application;
 - iii. A list of other any required permits and studies, if applicable;
 - iv. The identification of existing environmental documents that evaluate the proposed project and where they are available for review;
 - v. A statement of the public comment period;
 - vi. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 - vii. The date, time, place, and public hearing, if applicable; and
 - viii. Information on any threshold determination or scoping notice issued under Chapter 18.04 GHCC; and
 - ix. Any other information determined appropriate by the county.
- H. The county shall distribute the Notice of Application in accordance with the following procedures:
- i. Distributing by mail to:
 - a) Property owners within 300 feet of any portion of the exterior boundaries of a subject parcel that is in a High Intensity or Coastal Community Environments;
 - b) Property owners within 1,000 feet of any portion of the exterior boundaries of a subject parcel that is in a Shoreline Residential, Rural Development, Aquatic, Pacific Ocean, or Natural Environments;
 - c) Agencies with jurisdiction; and
 - d) Other people or agencies that requested in writing to receive Notice of Applications on a specific permit application or projects within a specific geographic area.
 - ii. Posting a notice of application on a conspicuous location on the subject property visible to vehicle traffic and pedestrians; and
 - iii. Any other manner of notification deemed appropriate by the Administrator to inform area landowners and the public.
- I. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first. Failure to send notice by mail shall not invalidate such proceedings where the owner appears at the hearing or receives actual notice.

- J. A Notice of Application is not required for permits exempt under Section 7.2 or letter of exemption under Section 7.2.4.

7.5.6 Public comment

- A. The public comment period for a permit application shall be no less than 30 days after the date of the Notice of Application.
- B. The county may accept public comment at any time before the decision on the permit.

7.5.7 Permit review responsibilities

- C. The Administrator shall review and decide exemptions and substantial development permits and make recommendations to the Planning Commission pertaining to conditional use and variance permit applications.
- D. The Planning Commission shall review and decide conditional use permits, variances, and substantial development permits consolidated with other permit applications within their review authority under Titles 17 and/or 18 GHCC.

7.5.8 Public Hearings

- A. The Planning Commission shall conduct a public hearing for permit applications involving conditional use permits, variances, and substantial development permits when consolidated with other permits that require Planning Commission or Hearing Examiner review.
- B. The date of the public hearing shall be the first regularly scheduled Planning Commission meeting the day following the conclusion of the 30-day public comment period required under Section 7.5.6.

7.5.9 Timing of decisions

Decisions on permit applications for substantial development permits, conditional use permits, and variances shall not exceed 120 days after the Determination of Completeness under Section 7.5.3.

7.5.10 Notice of Decision and Filing

- A. Upon consideration of a permit application, the review authority shall issue a Notice of Decision, whether approval or denial, that includes findings of fact and conclusions that describe its consistency with this Master Program and the Act.
- B. In granting approval of a shoreline permit, the Administrator, the Planning Commission may attach conditions, modifications, or restrictions regarding the location, character, and other features of the proposed development necessary to assure that the development will be consistent with the policy and provisions of the Act and this Program as well as the supplemental authority provided in RCW 43.21C. In cases involving unusual circumstances or uncertain effects, either the Administrator or the Planning Commission

may impose a condition that requires monitoring that allows future review or reevaluation of the permit to assure its continued consistency with this Master Program and the Act.

- C. The Administrator shall file the Notice of Decision, whether approval or denial, with the Department of Ecology and parties of record. A complete Notice of Decision includes:
 - i. A copy of the complete application as provided under Section 7.5.2;
 - ii. The Notice of Decision;
 - iii. The permit data sheet required by WAC 173-27-190;
 - iv. Applicable documents required under the State Environmental Policy Act Procedures, Chapter 18.04 GHCC; and
 - v. Any project modifications of text or plans that occurred during the course of the county's review process.
- D. The submittal of substantial development permits, conditional use permits, variances, and revisions are complete when the Department of Ecology receives all pertinent documents required pursuant to Section 7.5.10(C). If the Department of Ecology determines the submittal does not contain all of the pertinent documents and information required, it shall identify those deficiencies and notify the county and the permit applicant in writing. The Department of Ecology will not act on a conditional use permit or variance submittal until it receives the material requested.

7.5.11 Effective dates of permits

- A. The effective date of a permit shall be the date of filing of the Notice of Decision as provided below:
 - i. The date of filing for a substantial development permit is the actual date of receipt by the Department of Ecology of the county's Notice of Decision.
 - ii. The date of filing for a conditional use permit or variance is the date the Department of Ecology transmits their decision to the county.
 - iii. When the county simultaneously transmits its decision on a substantial development permit with its approval of either a conditional use permit or variance, the date of filing is as defined in ii of this subsection.
- B. Construction activities shall not begin until 21 days from the date of filing of the Notice of Decision or until all review proceedings before the Shoreline Hearings Board are complete.
- C. If a permitted development begins construction before the completion of the required 21-day period stated in Section 7.5.11(B), the construction is at the owner's risk. If, as a result of judicial review, the courts order the removal of any portion of the construction, or the restoration of any portion of the environment involved, or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permit

applicant cannot recover damages or costs involved in accordance with RCW 90.85.140(5)(d).

7.5.12 Permit Revisions

- A. A permit revision is necessary whenever the permit applicant proposes substantive changes to the design, terms, or conditions within an approved permit. Changes are substantive if the project is materially altered in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program, and/or the policies and provisions of the Act.
- B. If the county determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the Master Program and the Act, the permit may be approved. "Within the scope and intent of the original permit" means all of the following:
 - i. No additional over-water construction is involved except that a pier, dock or floating structure may be increased by 10 percent over that approved under the original approval;
 - ii. Ground area coverage and/or height may be increased a maximum of ten percent (10%) over that approved under the original approval; provided that, the revised approval does not authorize development to exceed the height, impervious surface, setback or any other requirements of this Program except as authorized under a variance granted for the original development;
 - iii. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this Program;
 - iv. The use authorized pursuant to the original approval is not changed; and
 - v. The revision will not cause an adverse environmental impact.
- C. The permit applicant will submit a written request for a revision to a shoreline permit to the Administrator. The request shall include detailed plans and text describing the proposed changes. The county authority that approved the original permit will review the request to assure consistency with this Master Program and the Act and may approve, approve with conditions, or deny the request upon adopting a Notice of Decision as provided under Section 7.5.10.
- D. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW, this regulation, and the Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

- E. The county shall require a new permit if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.
- F. Grays Harbor County shall file the Notice of Decision for a revision with the Department of Ecology as provided under Section 7.5.10(C).

7.5.13 Expiration of Exemptions and Permits

- A. The following time requirements shall apply to all permit exemptions, substantial development permits, conditional use permits, or variances:
 - i. Construction shall commence, or those uses or activities when there is no construction involved, within two years of the effective date of the permit or permit exemption. The Administrator may authorize a single, one-year extension based on reasonable factors, if the permit applicant files a written request for extension before the expiration date and the county gives notice of the proposed extension to parties of record and the Department of Ecology.
 - ii. Authorization to conduct development activities shall terminate five (5) years after the effective date of a permit or permit exemption. The Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if the permit applicant files a written request for an extension before the expiration date and the county gives notice of the proposed extension to parties of record and the Department of Ecology.
 - iii. The effective date of a shoreline permit is the date of filing as provided in Section 7.5.10. The permit time periods identified in this section do not include the time that a development did not commence due to:
 - a) The pendency of administrative appeals; or
 - b) Legal actions or the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

7.5.14 Appeals and Compensation

Any person aggrieved by the granting, denying, or revising of a shoreline substantial development permit, conditional use permit, or variance may seek review from the Shoreline Hearings Board in accordance with RCW 90.58.180 and Chapter 461-08 WAC. The filing of the appeal with the Shoreline Hearings Board must be within 21 days of the date of filing for a Notice of Decision as provided in Section 7.5.10.

The purpose and intent of the regulations within this Master Program shall not violate Article I Section 16 – EMINENT DOMAIN, where, “No private property shall be taken or damaged for public or private use without just compensation...” Full text below.

“Article 1 Section 16, Eminent Domain – Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or

across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefore be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public."

Section 7.6 Enforcement

7.6.1 Authority

Grays Harbor County may bring such declaratory, injunctive, or other action as may be necessary to assure that no development within shoreline jurisdiction is inconsistent with the provisions of this Master Program or the Act. The Department of Ecology also shall have enforcement authority pursuant to Chapter 90.58 RCW and Chapter 173-27 WAC "Part II Shoreline Management Act Enforcement."

7.6.2 Process

- A. The county shall have the authority to serve upon a person a cease and desist order if an activity undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the Master Program.
- B. The content of the order shall set forth and contain:
 - i. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 - ii. A notice that the violation, or the potential violation, shall cease and desist and may include in appropriate cases, the specific corrective action the person shall take within a given time. The county may issue a civil penalty under WAC 173-27-280 with the order.
- C. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
- D. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

7.6.3 Civil penalty

- A. A person who fails to conform to the terms of a substantial development permit, conditional use permit, or variance issued under RCW 90.58.140, or who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations, may be subject to a civil penalty by the county and/or the Department of Ecology. The county and/or

the Department of Ecology may impose a penalty only upon an additional finding that a person:

- i. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule;
 - ii. Has been given previous notice of the same or similar type of violation of the same statute or rule;
 - iii. The violation has a probability of placing a person in danger of death or bodily harm;
 - i. Has a probability of causing more than minor environmental harm; or
 - iv. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
- B. In the alternative, the county and/or the Department of Ecology may issue a penalty to a person for violations that do not meet the criteria of under Section 7.6.3(A) of this section, after the Department of Ecology and/or county provides the following information in writing to a person through a technical assistance visit or a notice of correction:
- i. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
 - ii. A statement of what is required to achieve compliance;
 - iii. The date of completion for compliance to be achieved;
 - iv. Notice of the means to contact any technical assistance services provided by the agency or others; and
 - v. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.
- C. No penalty shall be issued until the person or business has been given a reasonable time to correct the violation and has not done so.
- D. The amount of the penalty shall not exceed 1,000 dollars for each violation. Each day of violation shall constitute a separate violation.
- E. Any person who, through an act of commission or omission, procures, aids or abets in the violation, shall be considered to have committed a violation for the purposes of the civil penalty.
- F. A civil penalty shall be imposed by a Notice of Penalty in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department of Ecology and/or the county, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts

constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

7.6.4 Criminal penalties

Any person willfully engaged in activities on the shorelines of the state in violation of the Act, this Master Program, or any rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor, pursuant to RCW 90.58.220.

Chapter 8: Master Program Amendments

Section 8.1 General

- 8.1.1 Their Master Program implements the policies of the Act within Grays Harbor County. The Master Program may be amended as appropriate in order to assure:
- A. That the Master Program complies with applicable law and guidelines in effect at the time of the review;
 - B. Assure consistency of the Master Program with the county comprehensive plans, development regulations, and other county code and policy provisions, and/or
 - C. Make it more equitable in its application to people, property, or changed conditions within the county.
- 8.1.2 All amendments to the Master Program shall be consistent with WAC173-26-100.

Section 8.2 Periodic Review

- A. The Administrator shall assist the Planning Commission in conducting an annual review of this Master Program to evaluate its relationship to county goals, the cumulative effects of development, new information, and changes in local, state, and federal rules and statutes.
- B. The county may review and amend the Master Program in accordance with the provisions under Section 8.4 when necessary, but no less than required under statute RCW 90.58.080.

Section 8.3 Initiation of Amendment

- 8.3.1 Any person or governmental or non-governmental body may initiate amendments to this Master Program.
- 8.3.2 If the amendment is initiated by a member of the Board of County Commissioners, the Planning Commission has no requirement to hear the amendment. The public hearing and process may be scheduled with the Board of County Commissioners as a substitute for the Planning Commission.
- 8.3.3 Requests for amending this Master Program shall be in writing to the Administrator and shall specify the changes requested, including all justification for the amendment.

Section 8.4 Amendment Procedures

- 8.4.1 Upon receipt of the amendment request, the Administrator shall forward it to the Planning Commission at its next regularly scheduled meeting. At that meeting, the Planning Commission shall set a date to hold a public hearing within the next 60 days.
- A. Publishing in one or more newspapers of general circulation in the county;

- B. Mailing to any person, group, federal, state, regional, or local agency, and tribes having interests or responsibilities relating to the subject shorelines; and
- C. Any other method determined appropriate by the Administrator.

8.4.2 The public hearing notice shall include:

- A. A statement or summary of the draft proposal;
- B. A reference to the section of the Master Program proposed for amendment;
- C. The date, time and place and the procedure for submitting comments; and
- D. Information about where and when the public may inspect documents relating to the draft proposal.

8.4.3 The county will consult and solicit the comments of any person, group, federal, tribal, state, regional, and local governments having interests or responsibilities relating to the proposed amendment before the public hearing occurs.

8.4.4 Upon conclusion of the public hearing, the Planning Commission will evaluate the petition in satisfying the following criteria:

- A. The proposed amendment would make this Master Program more consistent with the Act and/or any applicable rules under the Washington Administrative Code;
- B. The proposed amendment would make this Master Program more equitable in its application to persons or property due to changed conditions in the county;
- C. The proposed amendment shall not result in a net loss of ecological function as of the effective date of this Master Program; and
- D. Comments from any person, group, federal, tribal, state, regional, and local government.

8.4.5 The Planning Commission shall prepare findings of fact, conclusions, and recommendation on approving or denying the petition in accordance with the criteria under Section 8.4.4. The Administrator shall transmit the Planning Commission recommendation, along with all petition materials and public comment, to the Board of Commissioners within 10 days.

8.4.6 Upon receipt of the Planning Commission recommendation, the Board of Commissioners may approve, approve with amendments, or deny the petition by motion.

8.4.7 The Administrator shall transmit an approved amendment by the Board of Commissioners to the Department of Ecology in accordance with procedures set forth within -WAC 173-26-110.

8.4.8 The amendment to the Master Program shall take effect as provided under RCW 90.58.090.

Chapter 9: Definitions

The terms used throughout this Master Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

"Accretion" means the growth of a beach by the addition of material transported by wind and/or water. Included are such shore forms as barrier beaches, points, spits, hooks, and tombolos.

"Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

"Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

"Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

- i. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
- ii. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- iii. Farm residences and associated equipment, lands, and facilities; and
- iv. Roadside stands and on-farm markets for marketing fruit or vegetables;

"Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

"Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

"Approval" means an official action by a local government legislative body agreeing to submit a proposed shoreline master program or amendments to the department for review and official action pursuant to this chapter; or an official action by the department to make a local government shoreline master program effective, thereby incorporating the approved shoreline master program or amendment into the state master program.

"Appurtenant structures" means those structures connected to the use and enjoyment of a single-family residence that are located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage; deck; shed or greenhouse; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

"Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

"Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to RCW 90.58.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Backdune" means a dune located behind the foredune or primary dune usually stabilized by vegetation such as grasses, bushes, and low trees.

"Beach enhancement or restoration" means the process of restoring a beach to a state more closely resembling a natural beach, using as non-intrusive means as applicable.

"Best available science" means the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.172) for developing policies and development regulations regarding critical areas (WAC 365-195).

"Best management practices" means the implementation of policies, practices, procedures, or structures, that through experience and research, has proven to reliably mitigate adverse environmental effects by development or activities. Best management practices may include structural and non-structural methods.

"Bioengineering" means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features

important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation (WAC 220-110-020(12)).

"Boating facility" means a facility that includes boat launch ramps, covered moorage, dry boat storage, and marinas. The term excludes docks serving four or fewer single-family residences.

"Boat launch" means an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

"Buffer" means a strip of land designed and designated to remain permanently vegetated to protect an adjacent aquatic or wetland resource from landward impacts, improve water quality, and to provide habitat for fish and wildlife.

"Bulkhead" means solid, open-pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective vertical wall resistant to water and wave action.

"Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

"Clearing" means the destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

"Coastal waters" means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

"Conditional use" means a use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program.

"Critical areas" as defined under chapter [36.70A](#) RCW includes the following areas and ecosystems:

- i. Wetlands;
- ii. Areas with a critical recharging effect on aquifers used for potable waters;
- iii. Fish and wildlife habitat conservation areas;
- iv. Frequently flooded areas; and
- v. Geologically hazardous areas.

"Deflation plain" means the broad interdunal backdune area that is wind-scoured to the level of the summer water table.

"Department" means the state department of ecology.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature

which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.

"Development regulations" means the controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter [90.58](#) RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

"Dike" means an artificial embankment normally set back from the bank or channel in the floodplain for keeping floodwaters from inundating adjacent land.

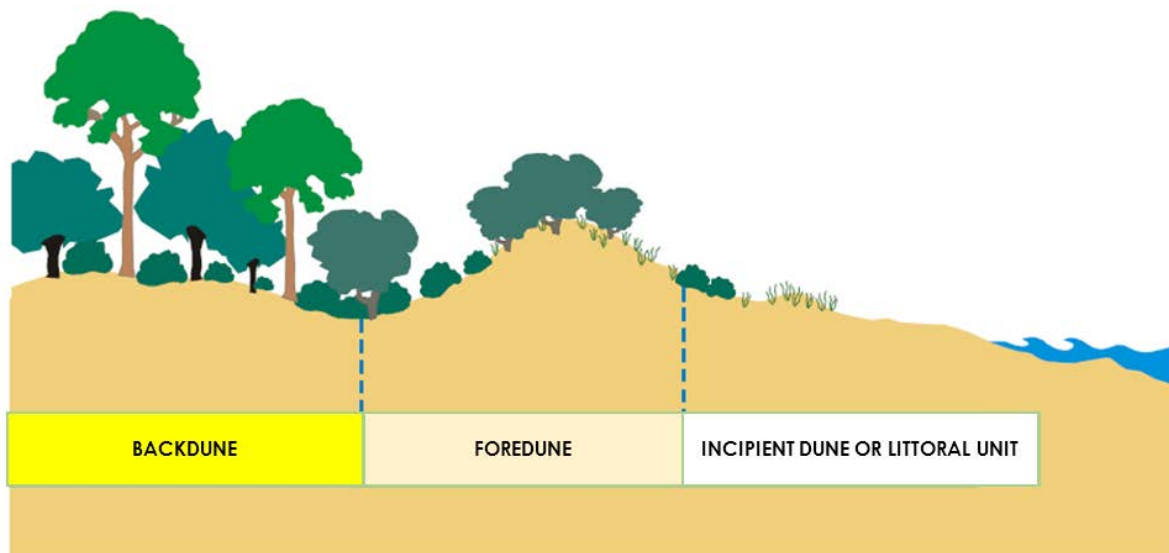
"Dock" means a landing and/or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. A dock floats on the surface of the water and is connected to land or a pier.

"Document of record" means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW [90.58.190](#).

"Dredge disposal site" means that portion of the waters of the United States where specific disposal activities are permitted and consist of a bottom surface area and any overlying volume of water.

"Dredged material" means material excavated from freshwater, estuarine, or marine waters.

"Dune" means accumulation of windblown sand on the upper part of a beach above the normal reach of tides, usually in the form of small hills or ridges, stabilized by vegetation or control structures. Subclasses of dunes include: the foredune, backdune, deflation plain, and incipient foredune or littoral unit.



"Dune modification" means the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration.

"Ecological functions" or **"shoreline functions"** include but are not limited to hydrologic functions such as transport of water and sediment, shoreline vegetation, hyporheic functions, and habitat functions."

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions. Examples of ecosystem-wide processes include movement of sediment, surface- and groundwater, nutrients, toxins, pathogens, and large wood.



"Erosion" means the general process or the group of processes whereby the material of the earth's crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting.

"Exemption" or **"Exempt"** means developments as set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

"Extreme low tide" means the lowest line on the land reached by a receding tide.

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

"Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- i. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- ii. The action provides a reasonable likelihood of achieving its intended purpose; and
- iii. The action does not physically preclude achieving the project's primary intended legal use.

In cases where the Master Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

"Fish hatchery" means a facility designed for the artificial breeding, hatching, and rearing through the early life stages of finfish.

"Float" means a platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

"Floating home" means a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

"Floating on-water residence" means any floating structure other than a floating home that:

- i. Is designed or used primarily as a residence on the water and has detachable utilities; and
- ii. Whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

"Flood hazard reduction measures" may consist of

- i. Nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, or
- ii. Structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

"Flood plain" is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

"Floodway" means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

"Foredune" means the long, essentially continuous, first ridge of vegetated sand paralleling the beach above the ordinary high water mark, sometimes referred to as the primary dune.

"Foredune, Active" means an unstable barrier ridge of sand paralleling the beach and subject to wind erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass and occur in sand spits and at river mouths as well as elsewhere.

"Foredune, Conditionally stable" means an active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion .

"Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW [84.33.100](#) through [84.33.140](#), and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.¹

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

"Free Market Environmentalism" means that the free market and property rights are the best means of preserving the environment, internalizing pollution costs and conserving resources.

"Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

"Guidelines" means those standards adopted by the department to implement the policy of chapter [90.58](#) RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

"Hazard tree" means any tree that presents a risk to persons or property due to a high probability of falling in the near future because of a debilitating disease, a structural defect, a root ball significantly exposed, or having been exposed to windthrow within the past ten years. Hazardous trees include, but are not limited to, conditions where a permanent, primary structure or appurtenant or accessory structure is within one and one half tree lengths of the base of the trunk.

"Height" is measured from average grade level to the highest point of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial

number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation.

"Incipient dunes" or "littoral unit" means the open area between the western toe of the first distinct foredune ridge and the line of extreme low tide.

"Instream structural developments" means a structure placed by humans within a stream, river, or estuary waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

"Invasive species" means a nonnative plant or animal species that either:

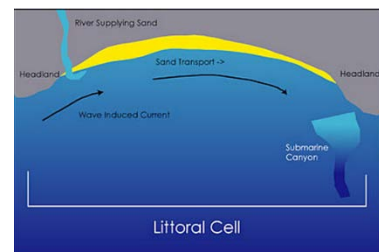
- i. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
- ii. Threatens or may threaten natural resources or their use in the state;
- iii. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
- iv. Threatens or harms human health (RCW 77.08.010(28))

"Jetty" means a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

"Levee" means a large dike or embankment designed as part of a system to protect land from floods and often having an access road along the top.

"Littoral drift" means the movement of sand from river mouths to the beach due to the direction of prevailing currents.

"Littoral cell" or "drift cell" means a particular reach of marine or estuarine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.



"Local government" means Grays Harbor County

"Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land (GHCC 18.10.020(5)).

"Low impact development (LID)" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Low impact development (LID) best management practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-

disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

"Maintenance dredging" means dredging for the purpose of maintaining a previously authorized width and depth of a channel, boat basin or berthing area. Authorization is from a federal, state, or local permit as part of a specific waterway project.

"Marine" means pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

"Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities that includes permanent residential and short-term visitor accommodations, including a range of commercial and indoor and/or outdoor recreational facilities.

"Master program" or "shoreline master program" shall mean the comprehensive use plan for a described area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW [90.58.020](#) and the applicable guidelines. As provided in RCW [36.70A.480](#), the goals and policies of a shoreline master program for a county or city approved under chapter [90.58](#) RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter [90.58](#) RCW, including use regulations, shall be considered a part of the county or city's development regulations.

- i. "Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the department's shoreline master program guidelines effective January 17, 2004, as now or hereafter amended;
- ii. "Limited master program amendment" means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

"May" means the action is acceptable, provided it conforms to the provisions of this chapter.

"Minerals or mineral lands" means lands primarily devoted to the extraction of minerals or that have known or potential deposits of minerals. Minerals include gravel, sand, and valuable metallic substances. GHCC 18.10.050 designates mineral lands of long-term commercial significance.

"Mining" means the removal of sand, soil, minerals, and other naturally occurring materials from the earth for commercial or economic use.

"Mitigation" means to avoid, minimize, or compensate for the adverse impacts to shoreline ecological functions and processes.

"Mooring buoy" means an anchored floating device in a water body used for the landing or storage of a vessel or watercraft.

"Must" means a mandate; the action is required.

"Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

"Navigable waters" means a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The State of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court (WAC 332-30-106).

"Nonpoint source pollution" means pollution that generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrologic modification. The "nonpoint source" is defined to mean any source of water pollution that does not meet the legal definition of "point source" in Section 502(14) of the Clean Water Act.

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.

"Noxious weeds" means non-native plants that are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

"Over-water structure" means a structure or other construction located waterward of the ordinary high water mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

"Parking, Accessory" means the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves a permitted use.

"Parking, principal or primary" means an area of land where the principal use is the parking of motorized vehicles and is not accessory to another use.

"Party of record" includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

"Permit" means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

"Permitted Use" means a use that is allowed under the rules and regulations of this Master Program.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

"Pier" means a platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

"Planned unit development" means one or a group of specified uses, such as residential, resort, commercial, or industrial, to be planned and constructed as a unit allowed under GHC 17.56.190. Zoning or subdivision regulations with respect to lot size, building bulk, etc., may be varied to allow design innovations and special features in exchange for additional and/or superior site amenities or community benefits.

"Primary structure" means any permanent building, road, bridge, or utility requiring a permit or approval which is necessary to support the primary use of a site.

"Primary use" means the predominate use of any lot or development as determined by the comprehensive plan and development regulations.

"Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- i. Comparatively high fish or wildlife density;
- ii. Comparatively high fish or wildlife species diversity;
- iii. Fish spawning habitat;
- iv. Important wildlife habitat;
- v. Important fish or wildlife seasonal range;
- vi. Important fish or wildlife movement corridor;
- vii. Rearing and foraging habitat;
- viii. Important marine mammal haul-out;
- ix. Refugia habitat;
- x. Limited availability;
- xi. High vulnerability to habitat alteration;
- xii. Unique or dependent species; or
- xiii. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

"Priority species" means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- i. Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC [232-12-014](#)), threatened (WAC [232-12-011](#)), or sensitive (WAC [232-12-011](#)). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC [232-12-297](#).
- ii. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- iii. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- iv. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

"Permit" or "project application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

"Provisions" means policies, regulations, standards, guideline criteria or environment designations.

"Public access" is the ability of the public or, in some cases, a specific community, to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected

including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

- i. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.
- ii. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- iii. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessment.

"Recreational development" means development that provides opportunities for the use and enjoyment of the shorelines of the state by the public, including but not limited to fishing, hiking, swimming, and viewing. This includes both commercial and public recreational facilities.

"Recreational development, high intensity" means uses that involve indoor or outdoor activities and athletics which often require a moderate to high level of infrastructure development for structures and equipment as well as high levels of maintenance to support recreational pursuits. Facilities and uses generally support a large number of participants or teams for recreational activities. Sports fields, golf courses, skate parks, and motorized boating are examples of active recreational facilities or use.

"Recreational development, passive" means uses that generally require a low or moderate level of infrastructure development, maintenance, and support. These uses and/or associated facilities are compatible with open space and natural resource protection such as wildlife viewing, non-vehicular trails, fishing, canoeing, and picnicking.

"Residential development" means single-family residences, multifamily development, and the creation of new residential lots through land division.

"Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

"Rural development and uses" means development and uses identified in the county comprehensive plan:

- i. In which open space, the natural landscape, and vegetation predominate over the built environment;
- ii. That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- iii. That provides visual landscapes that are traditionally found in rural areas and communities;
- iv. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- v. That reduces the inappropriate conversion of undeveloped land into sprawling, low-density development;
- vi. That generally does not require the extension of urban governmental services; and
- vii. That is consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

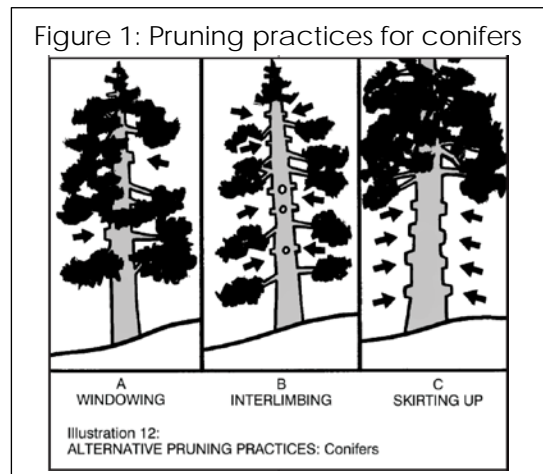
"Salvage" means the action of a third party where property is saved from the peril of the sea.

"Salvage, archeological" means a type of salvage for the recovery of either cargo or artifacts usually submerged.

"Salvage operation" means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or any waters whatsoever.

"Selective clearing" for trees includes:

- i. "Windowing," the pruning major limbs that obscure a view, excluding the top third of the tree;
- ii. "Interlimbing," the removal of an entire branch or individual branches through the canopy, excluding the top third of the tree, to allow more light to pass through as well as reducing wind resistance; and
- iii. "Skirting-up," the limbing of the tree from the bottom upward to a maximum of twenty feet from the ground.



"Shall" means a mandate; the action must be done.

"Shared or joint use moorage" means moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft.

"Shorelands" or **"shoreland areas"** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- i. Shorelines of statewide significance;
- ii. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- iii. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

"Shoreline areas" and **"shoreline jurisdiction"** means all "shorelines of the state" and "shorelands" as defined in RCW [90.58.030](#).

"Shoreline modifications" means those actions generally related to construction of a physical element such as a bulkhead or pier at or near the water's edge or extending into and over the water. Other shoreline modification actions include dredging, filling, or vegetation clearing in the shoreline jurisdiction. Modifications are usually undertaken in support of or in preparation for an allowed shoreline use or development.

"Shorelines of statewide significance" means a select category of shorelines of the state, defined in RCW 90.58.030(2), where special policies apply.

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

"Shoreline uses" means developments or activities that are located in shoreline jurisdiction, such as marinas, parks, homes, and businesses.

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

"Significant vegetation removal" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

"State master program" means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

“Substantially degrade” means to cause significant ecological impact.

“Substantial development” shall mean any development of that the total cost or fair market value exceeds -six thousand four hundred and sixteen dollars (\$6,416), or as adjusted by the State Office of Financial Management, or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of “development” and “exemption.”

“Transmit” means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

“Upland finfish rearing facilities” means those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. Upland finfish rearing facilities constitute an agricultural activity.

“Utilities” means services and facilities that produce, convey, store, or process power, water, wastewater, stormwater, gas, communications, oil, and the like. On-site utility features serving a primary use, such as water, sewer, or gas line to a residence, are “accessory utilities” and shall be considered a part of the primary use.

“Variance” is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

“Vegetation conservation” means activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

“Vegetation, Native” means vegetation comprised of plant species, other than noxious weeds, that are naturally occurring in the surrounding shoreline environment. Examples of trees include Douglas fir, western hemlock western red cedar, alder, big-leaf maple, and vine maple. Examples of shrubs and plants include willow, elderberry, salmonberry, salal, sword fern, and fireweed.

“Vessel” includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

"Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

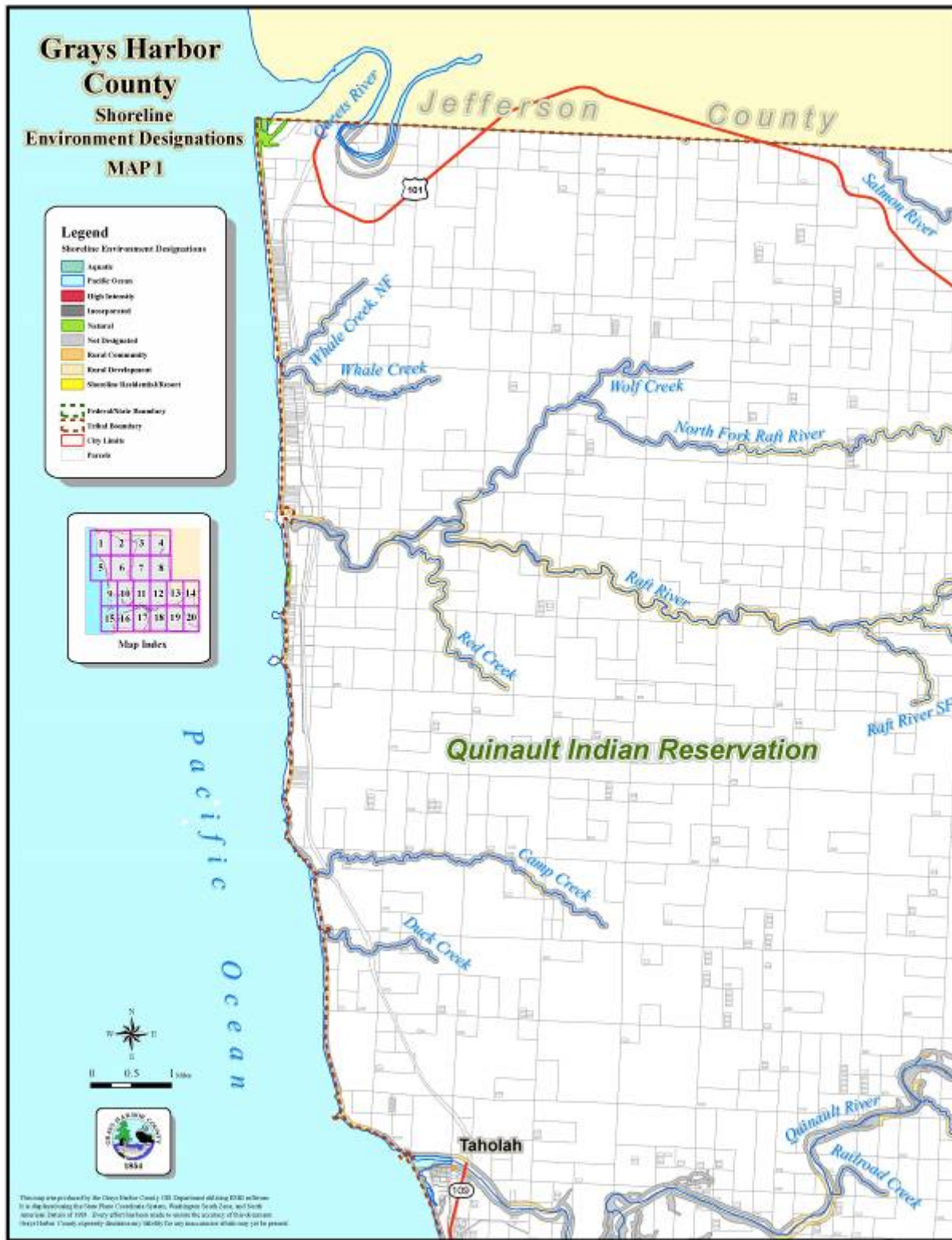
"Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW [90.03.250](#) through 90.03.340.

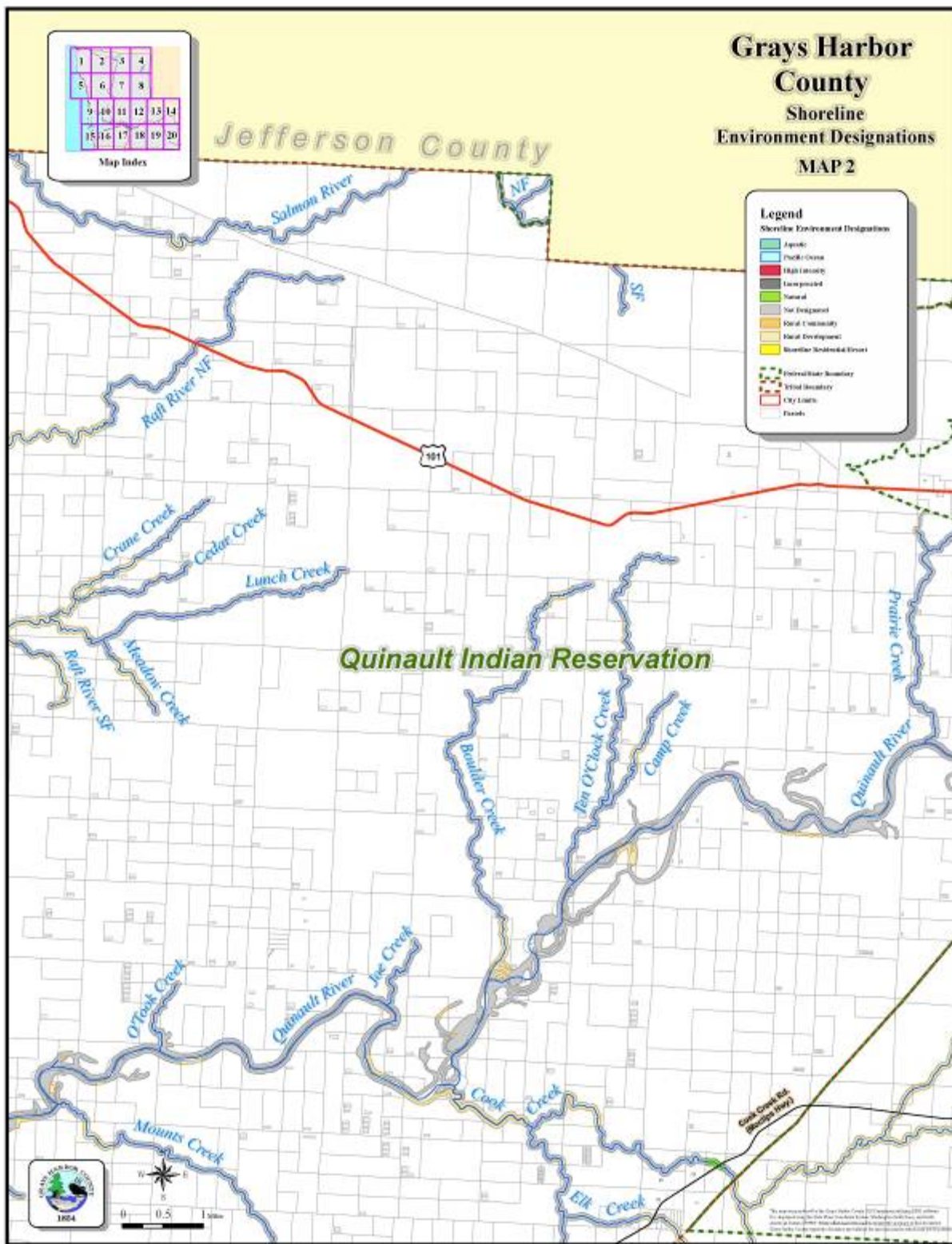
"Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- i. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- ii. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

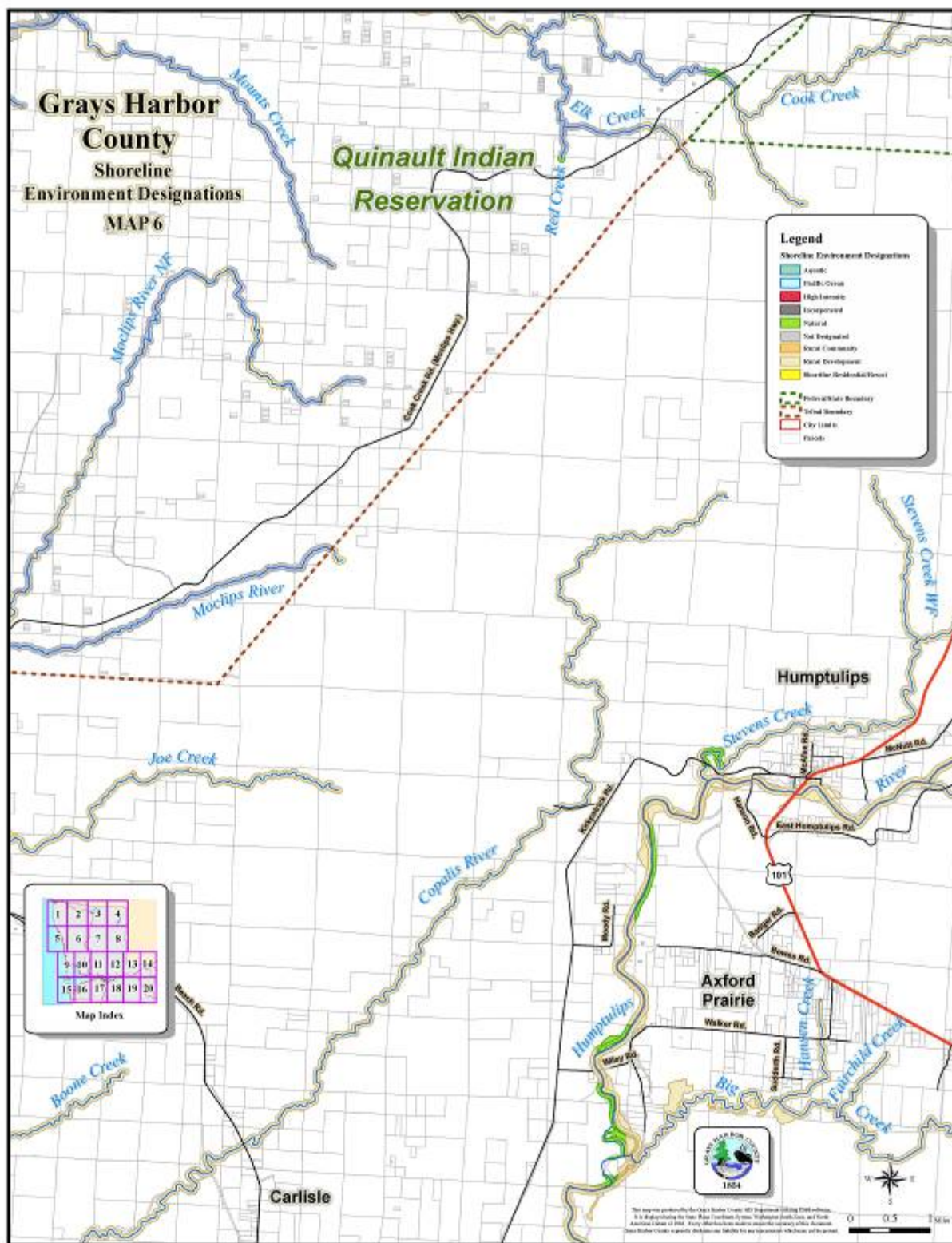
"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Appendix A: Shoreline Environment Designation (SED) Maps

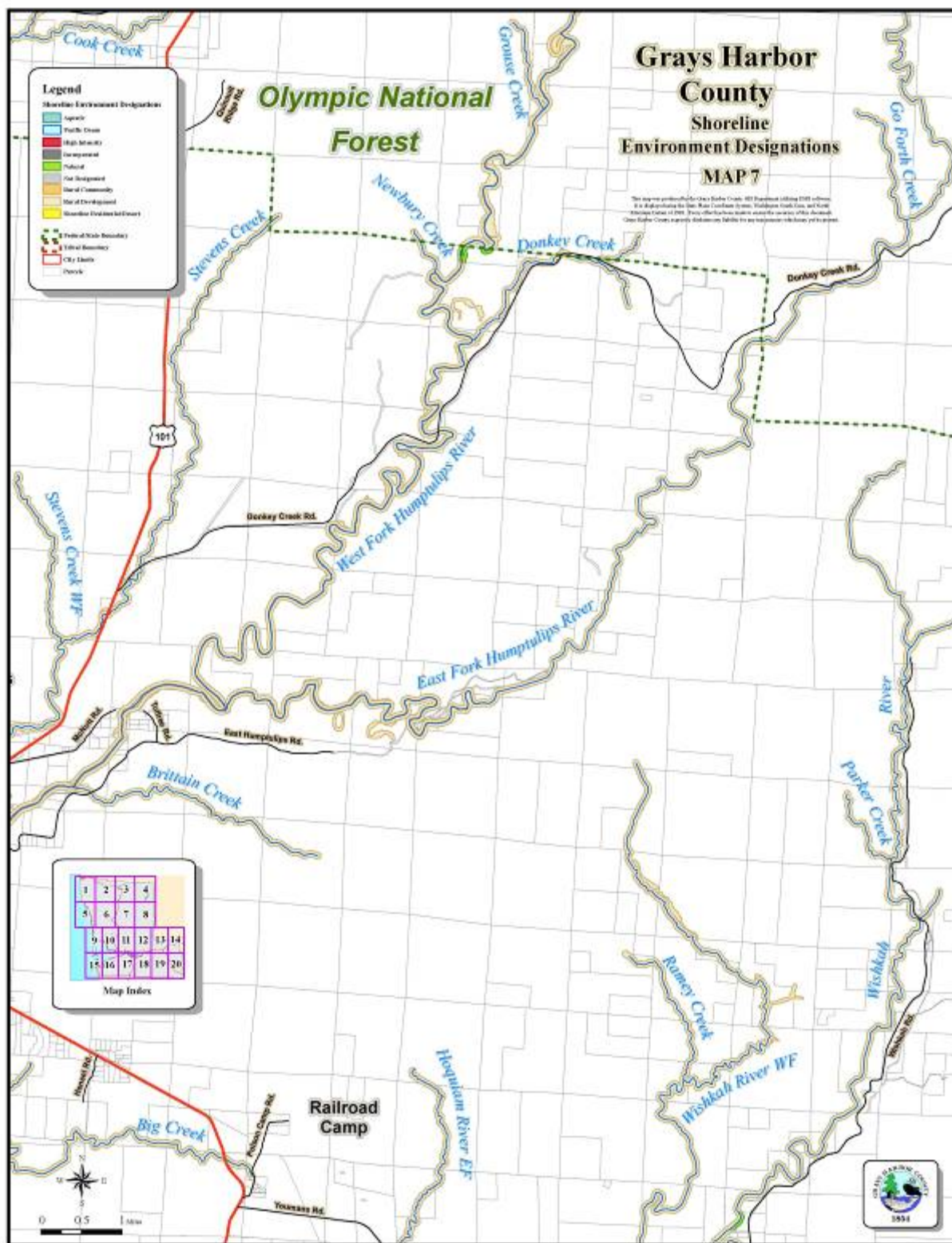




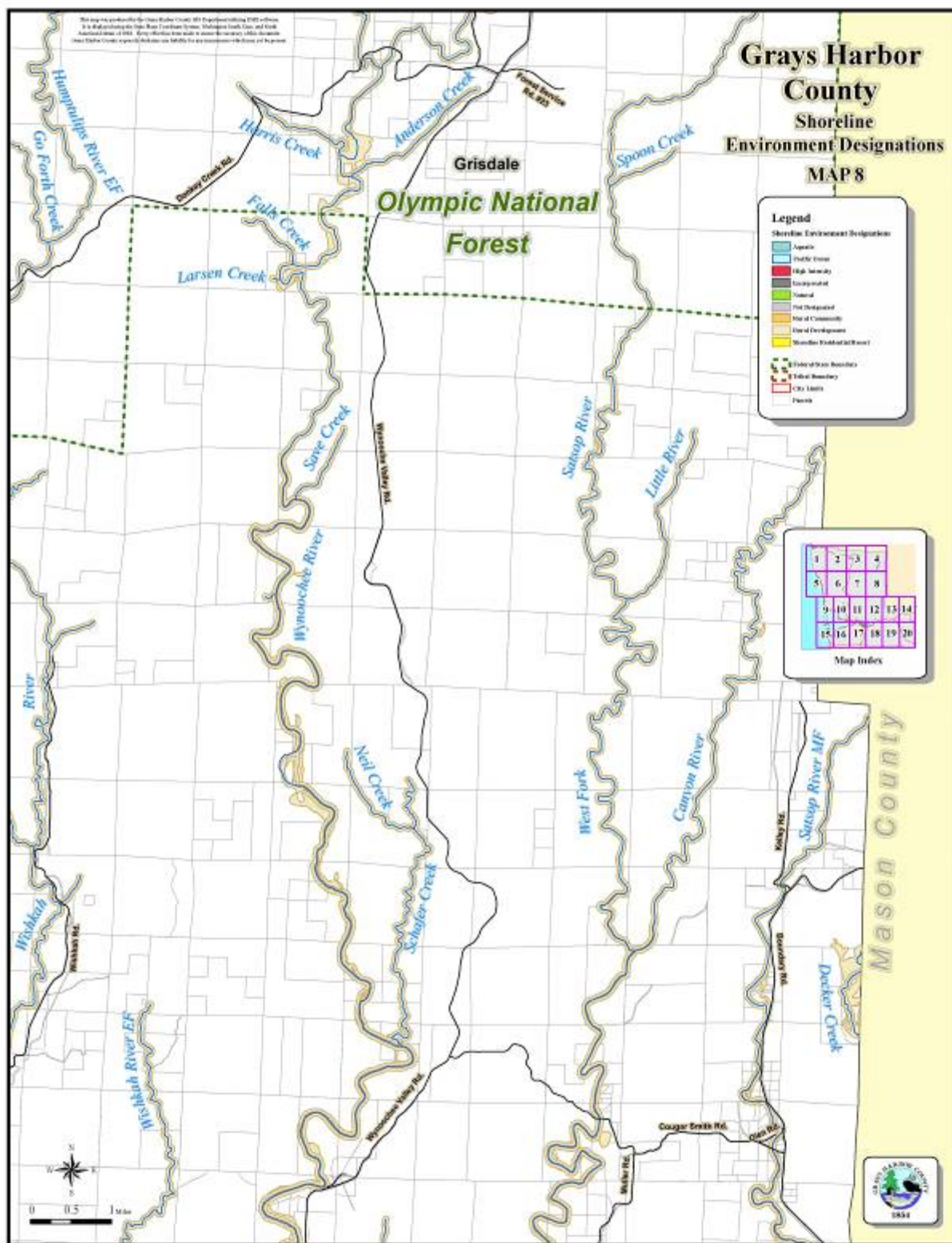




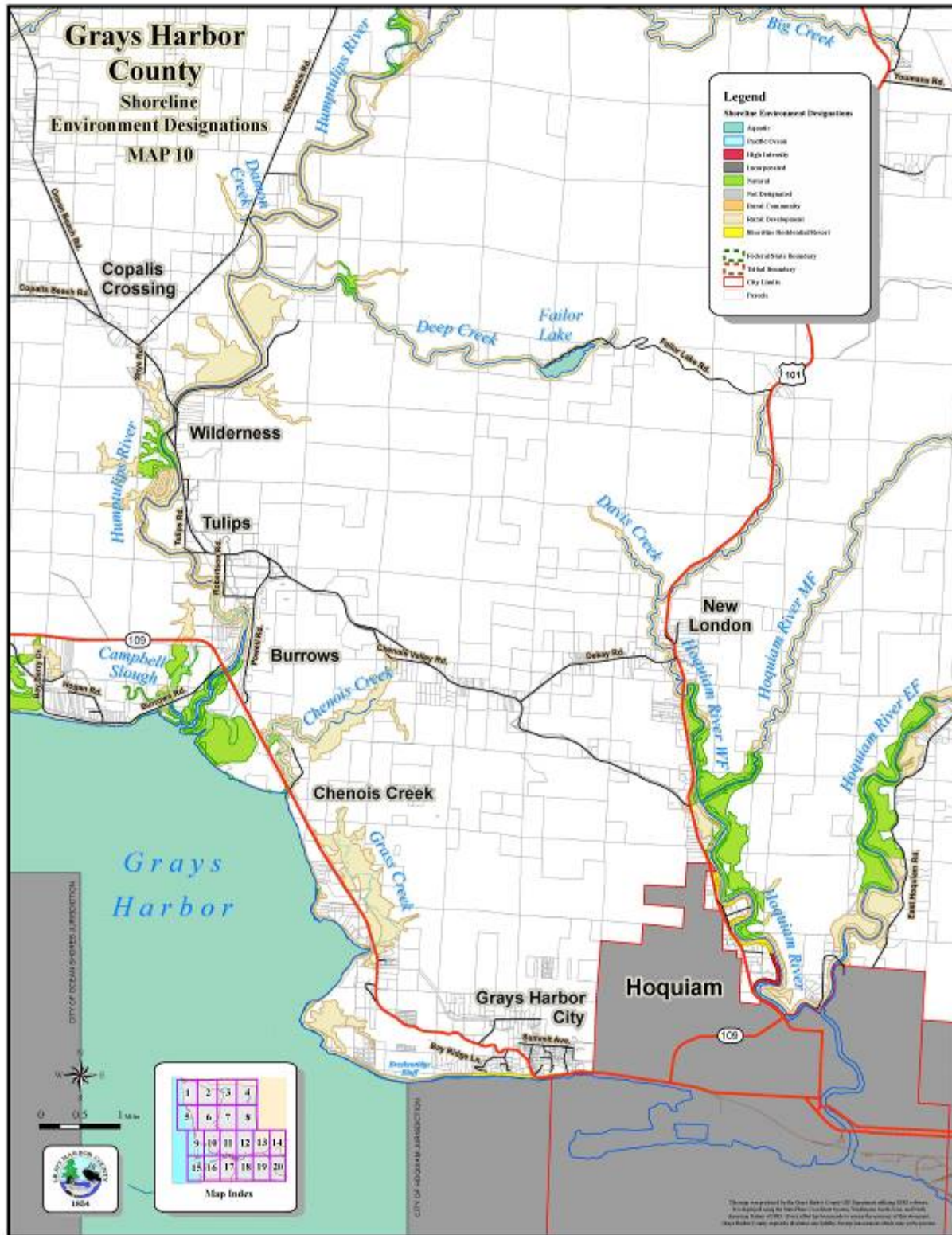
Appendix A: Shoreline Environment Designation (SED) Maps



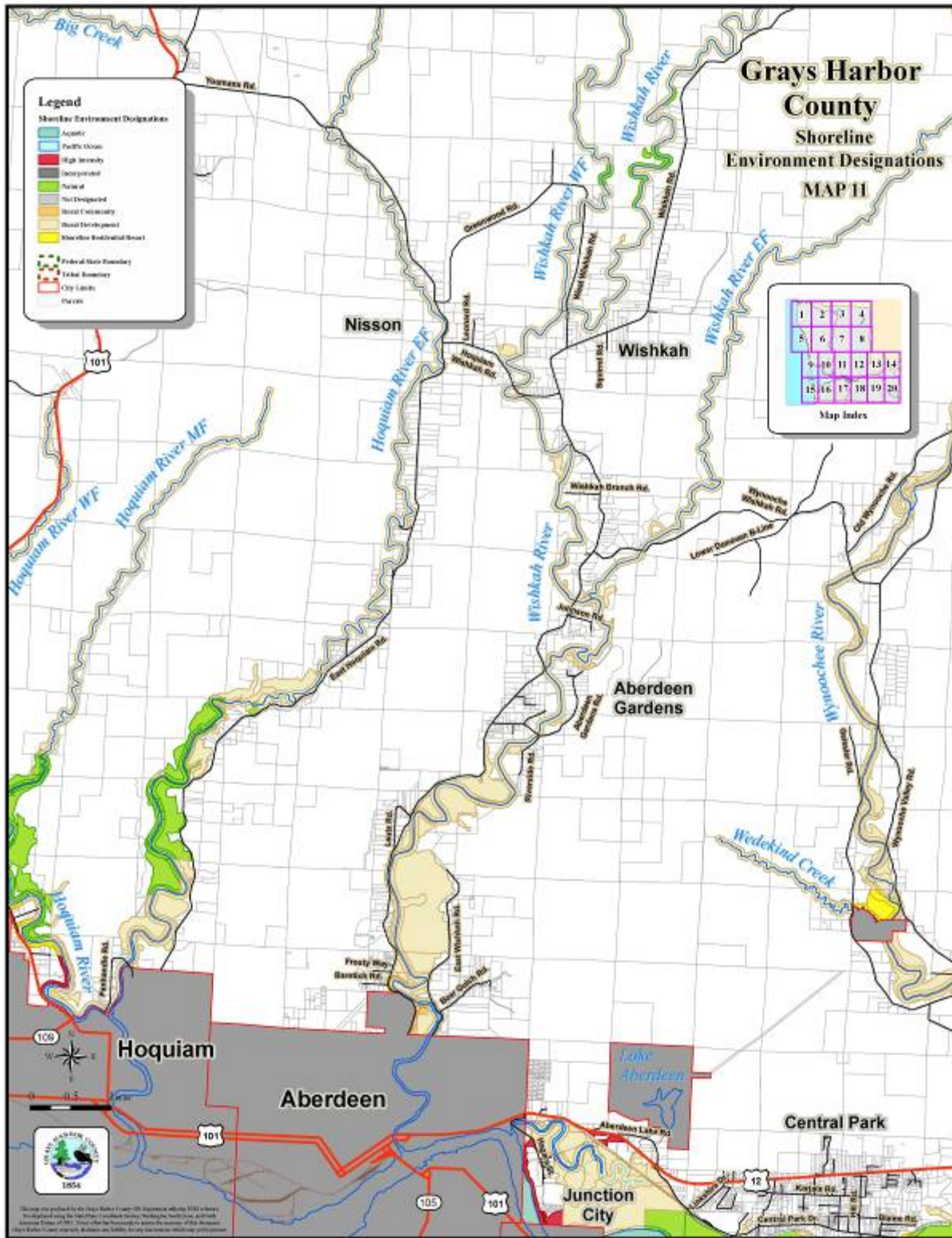
Appendix A: Shoreline Environment Designation (SED) Maps



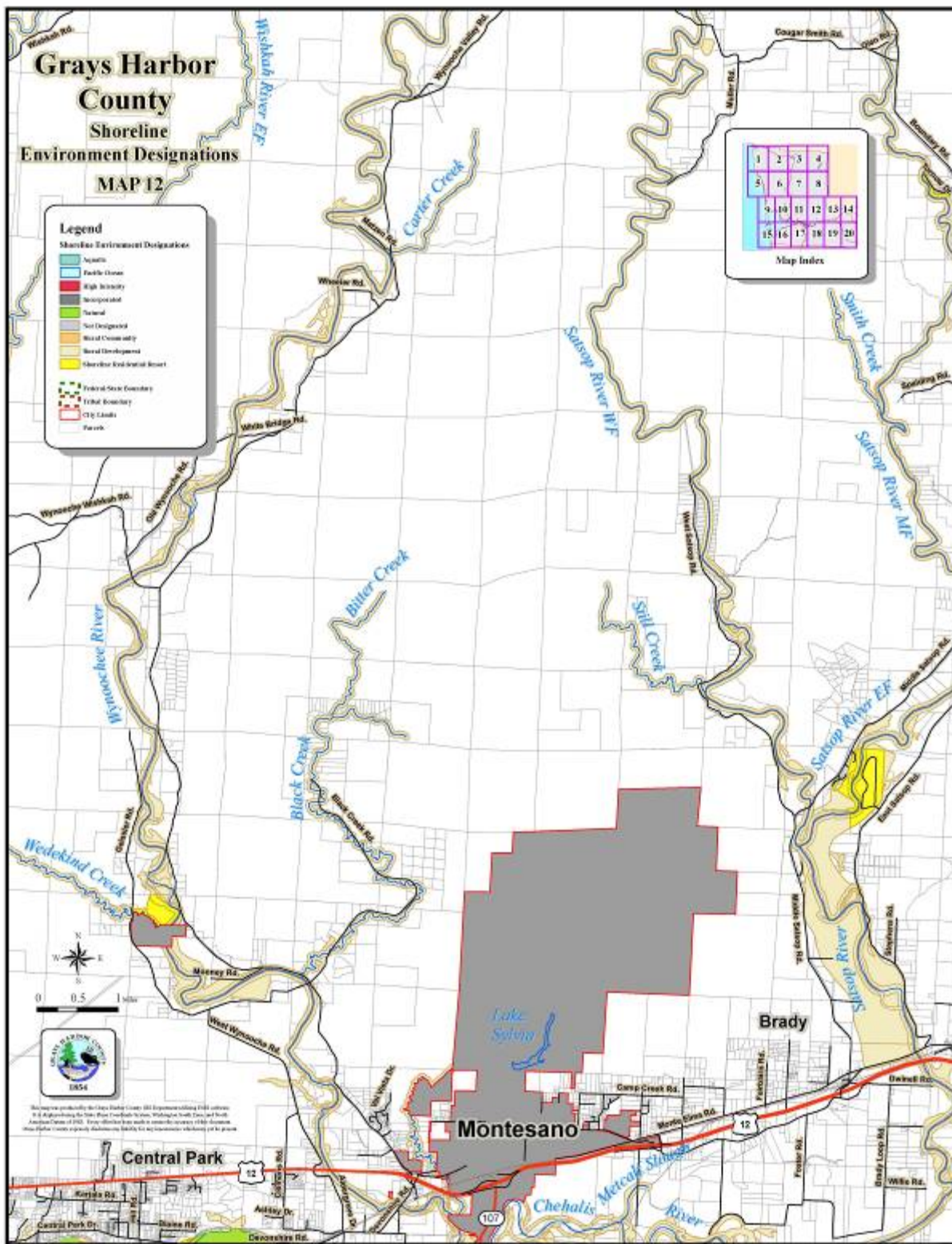
Appendix A: Shoreline Environment Designation (SED) Maps



Appendix A: Shoreline Environment Designation (SED) Maps

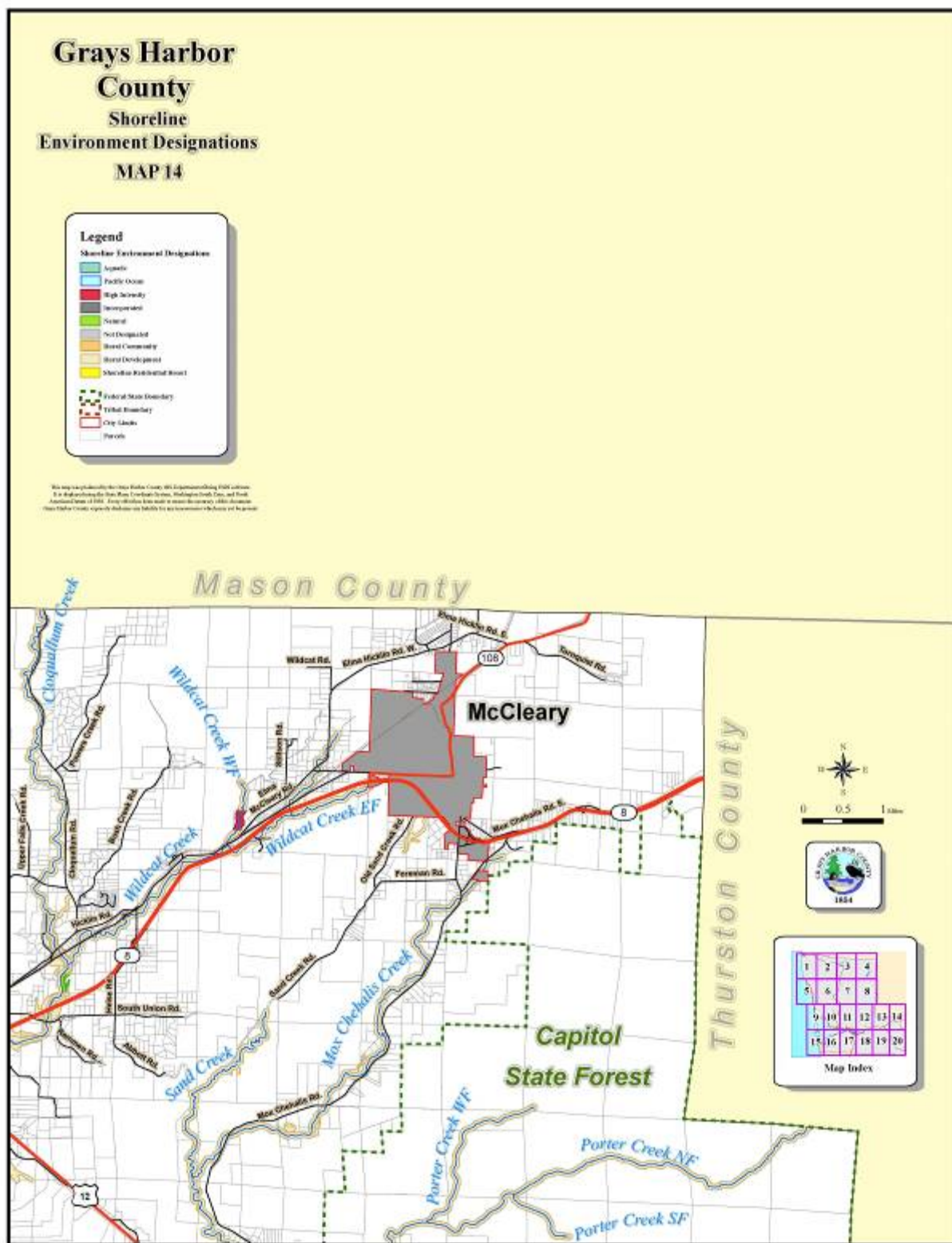


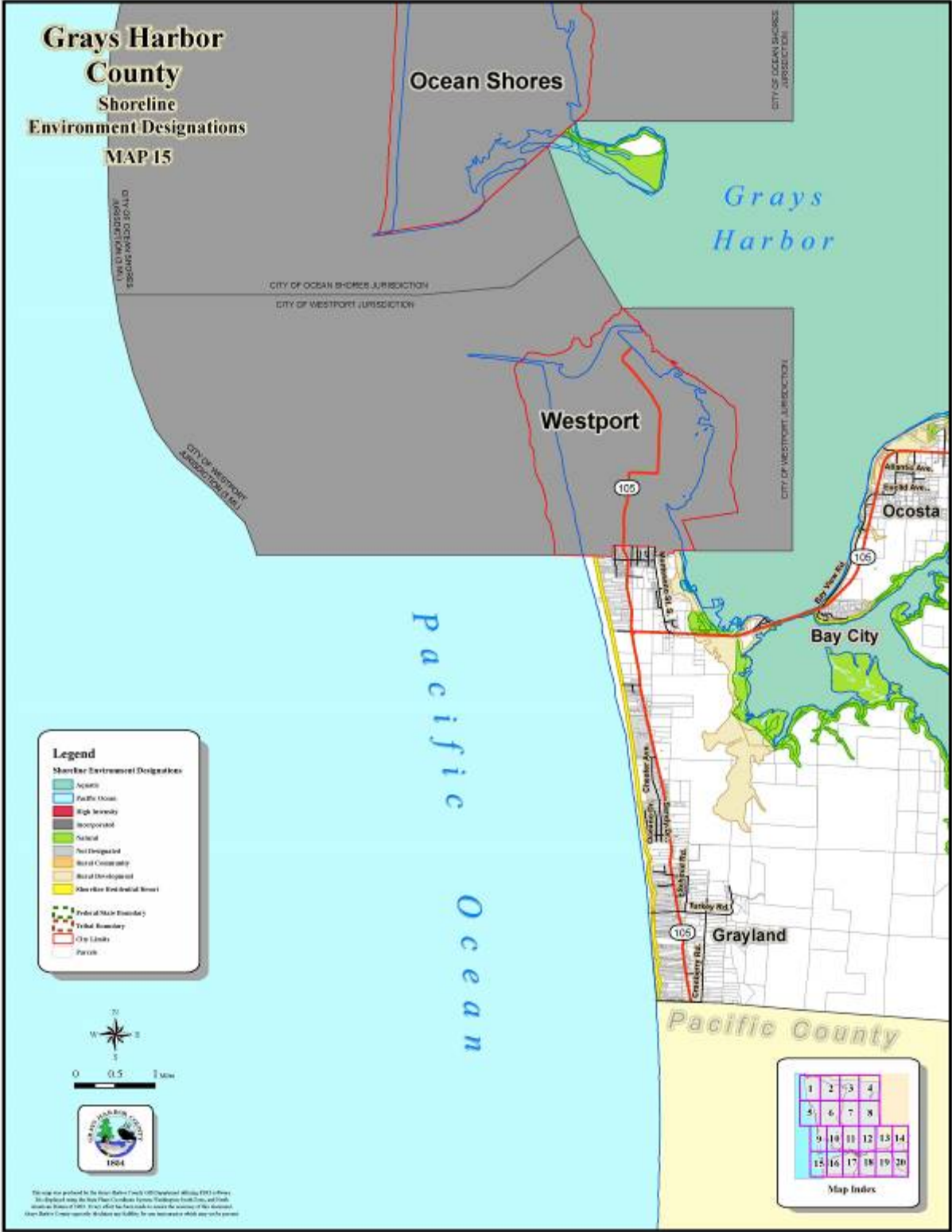
Appendix A: Shoreline Environment Designation (SED) Maps



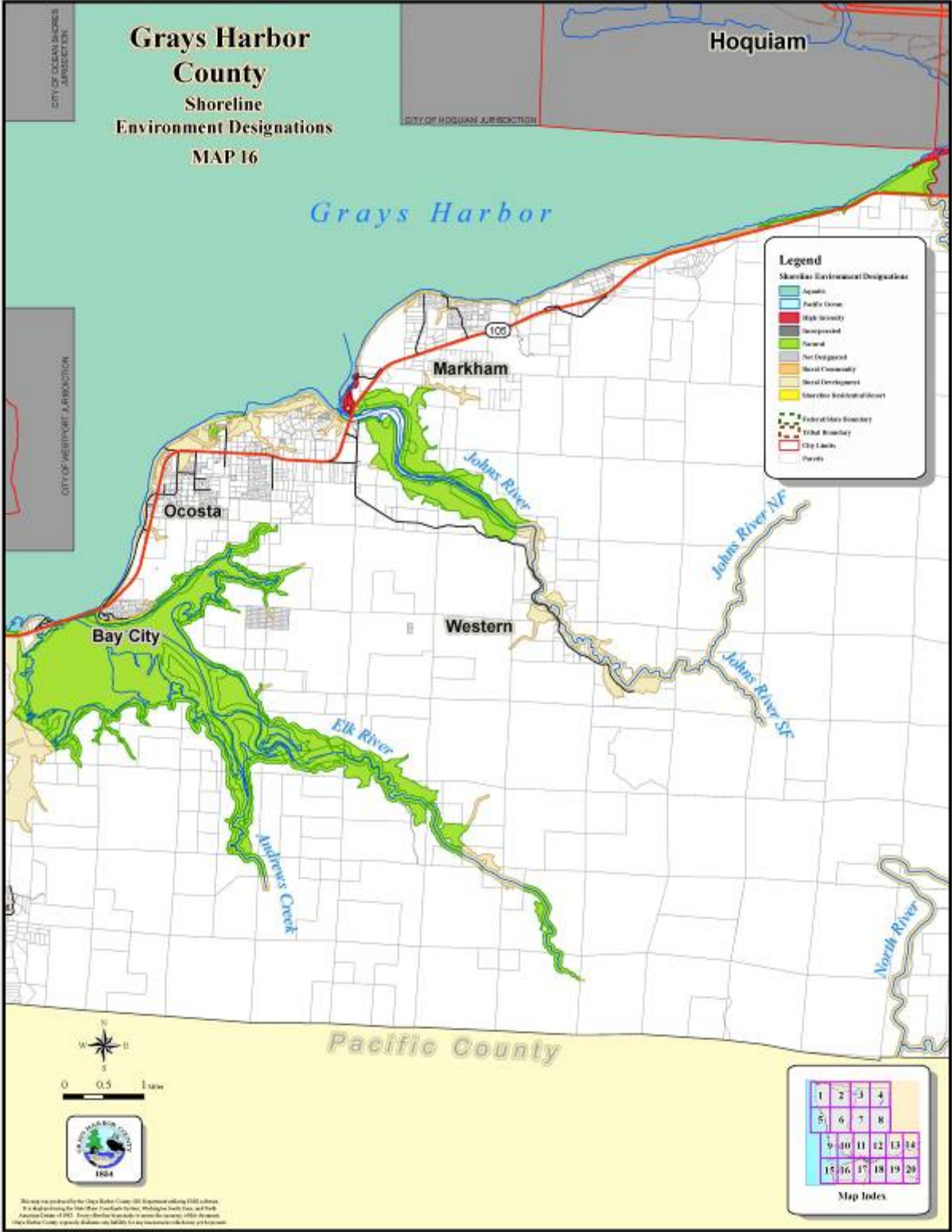
Appendix A: Shoreline Environment Designation (SED) Maps

127

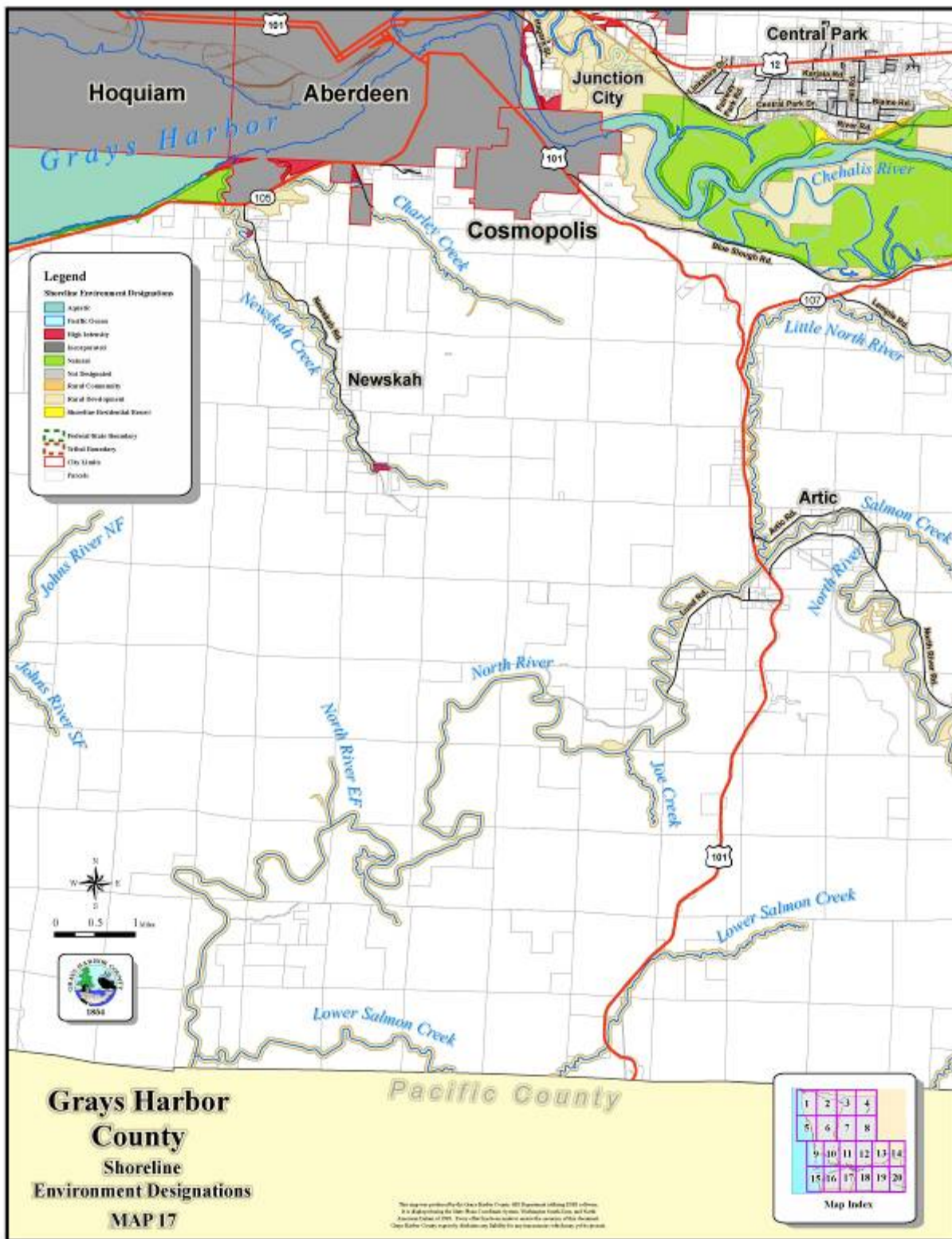


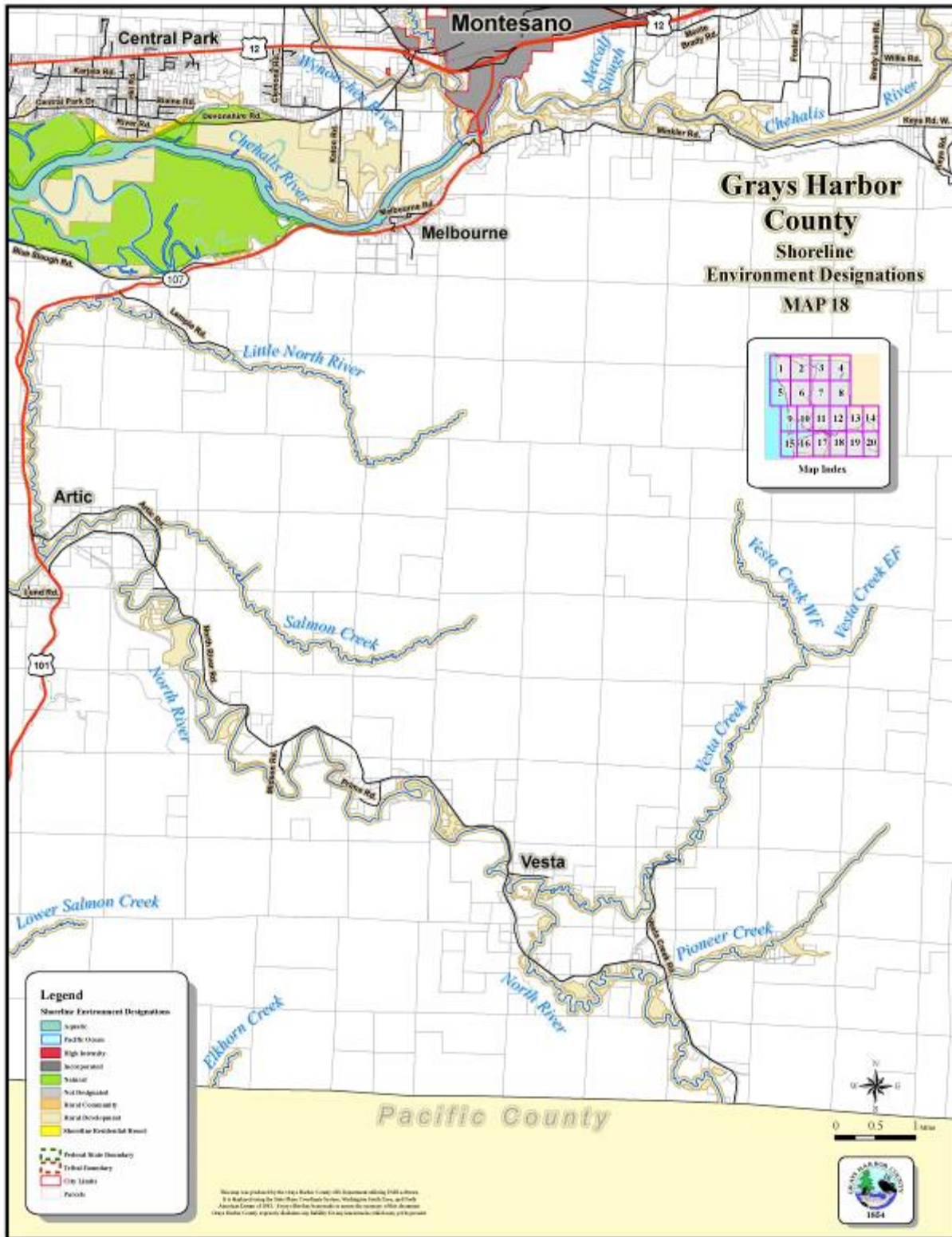


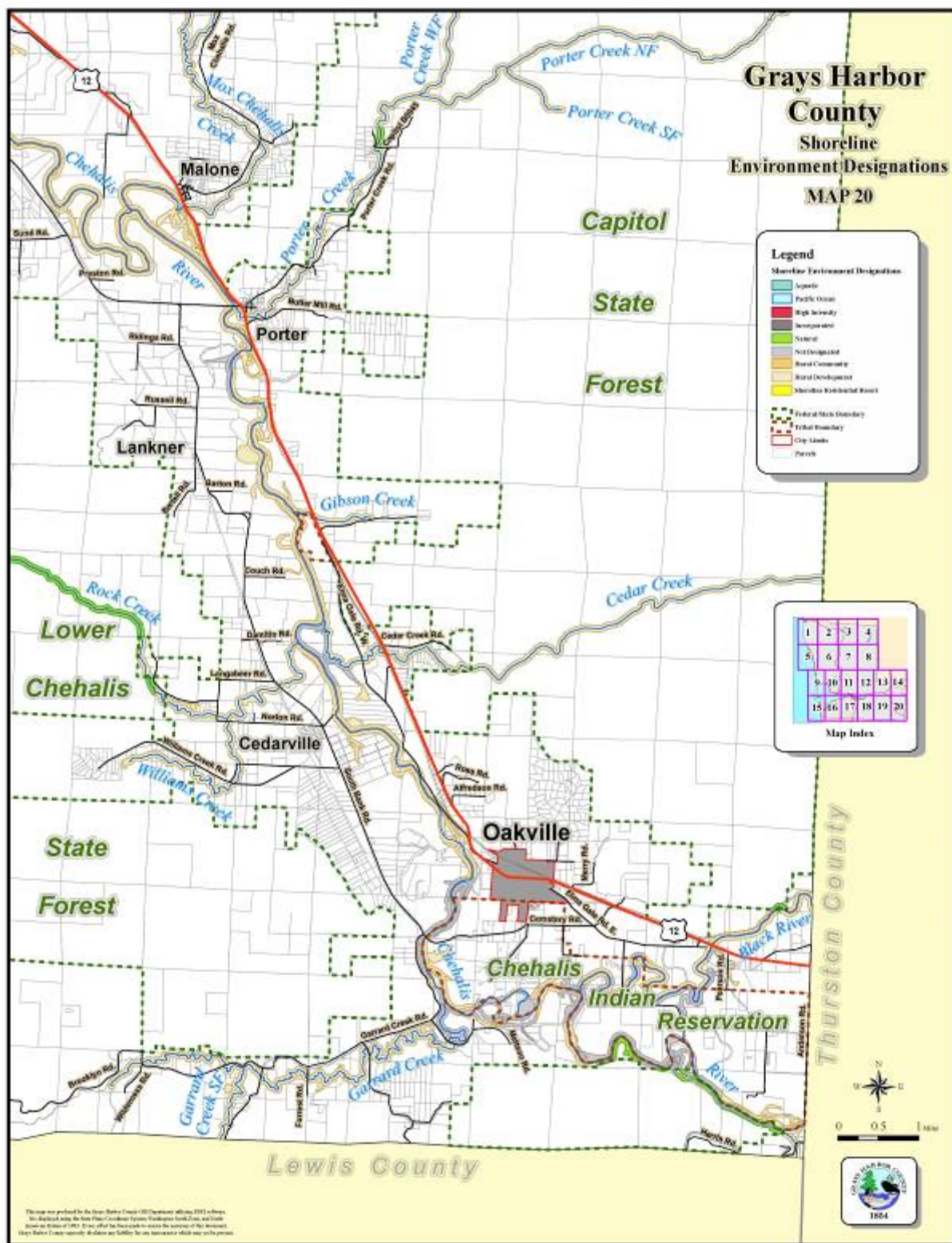
Appendix A: Shoreline Environment Designation (SED) Maps



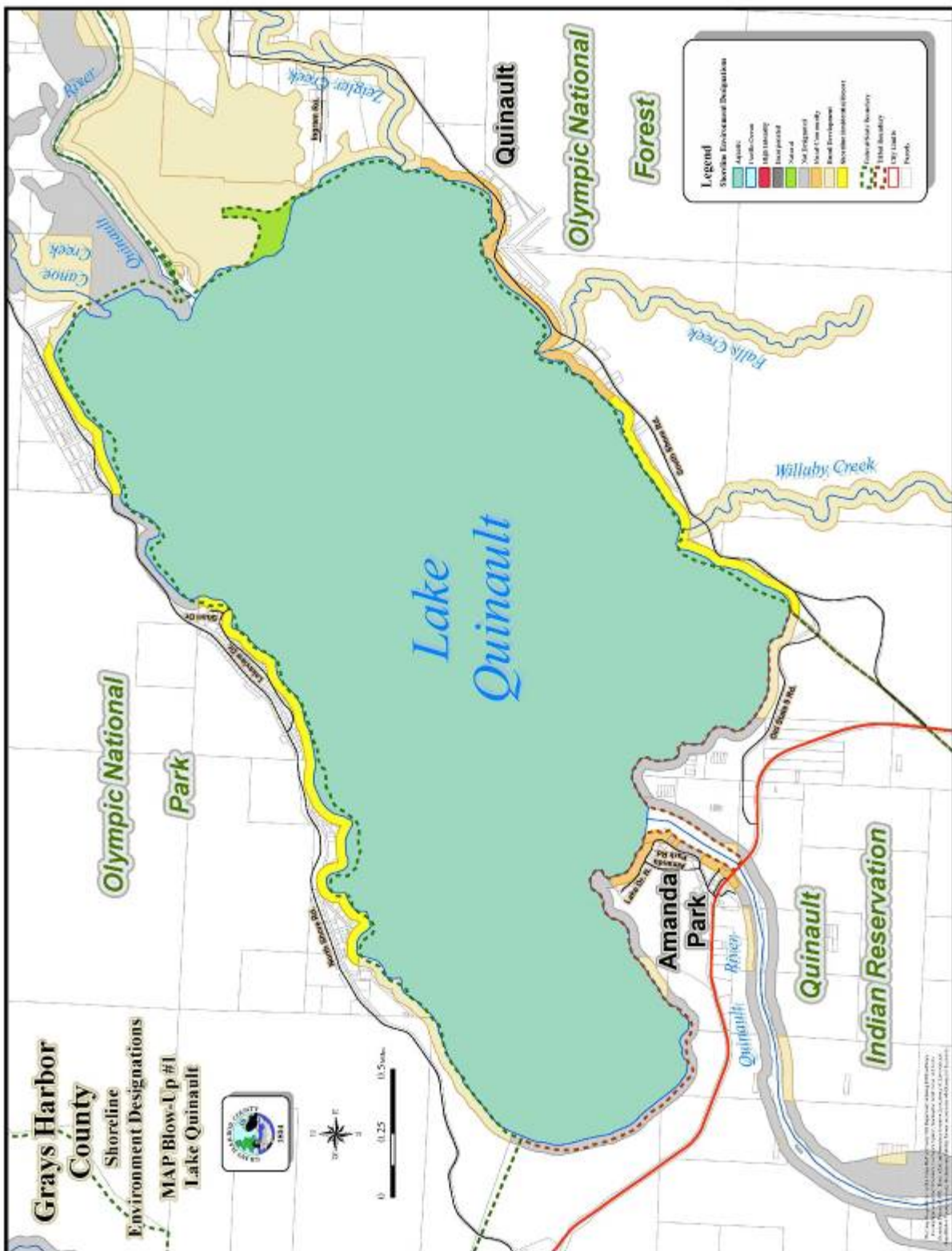
Appendix A: Shoreline Environment Designation (SED) Maps







Appendix A: Shoreline Environment Designation (SED) Maps



Appendix A: Shoreline Environment Designation (SED) Maps



Appendix A: Shoreline Environment Designation (SED) Maps



Appendix B: List of Rivers, Streams, and Lakes Constituting Shorelines of the State in Grays Harbor County per WAC 173-18-180

Rivers and Streams (*Denotes Shorelines of Statewide Significance)

Andrews Creek
Big Creek, South Branch Bitter Creek
Bitter Creek
Black Creek
Black River
Boone Creek
Canyon River
Carter Creek
Cedar Creek (Sec.23, 19N.,R12W.)
Cedar Creek (Sec.2,T16N,R4W)
Charley Creek
Chehalis River
Cloquallum Creek
Connor Creek
Copalis River
Decker Creek
Deep Creek
Delezene Creek
Donkey Creek
Elkhorn Creek
Elk River (E. Br.)
Elk River
Garrard Creek
Garrard Creek (S. Fk.)
Hoquiam River
Hoquiam River (E. Fk.)
Hoquiam River (M. Fk.)
Hoquiam River (W. Fk.)
Humptulips River* (beginning at the confluence of the East and West forks)
Humptulips River (E. Fk.)
Humptulips River (W. Fk.)
Unnamed Tributary to Humptulips River (Sec 14, T20N,R10W)
Independence Creek
Joe Creek
Johns River (S. Fk.)
Johns River (N. Fk.)
Johns River
Little River
Little Hoquiam River
Little North River
Lower Salmon Creek
Moclips River Mox
Mox Chehalis Creek
Newman Creek
Newskah Creek
North River*

Pioneer Creek
Porter Creek
Porter Creek (N. Fk.)
Porter Creek (S. Fk.)
Porter Creek (W. Fk.)
Raimie Creek (Rt. Fk.) Sec 9, T15N.R6W)
Raney Creek (Sec22, T20N, R9W)
Rock Creek
Salmon Creek
Sand Creek
Satsop River*
Satsop River (E. Fk.)*
Satsop River (M. Fk.)
Satsop River (W. Fk.)
Schafer Creek
Stevens Creek
Sylvia Creek
Vance Creek
Vesta Creek (E. Fk.)
Vesta Creek
Vesta Creek (W. Fk.)
Wedekind Creek
Wildcat Creek
Wildcat Creek (W. Fk.)
Wildcat Creek (E. Fk.)
Williams Creek
Wishkah River (W. Fk.)
Wishkah River (E. Fk.)
Wishkah River
Workman Creek
Wynoochee River* Johns River
Quinault River*

Lakes (*Denotes Shorelines of Statewide Significance)

Failor Lake
Unnamed Lake lower portion of Mox Chehalis near Malone
Lake Quinault*
Wynoochee Lake*
Moore's Lake
Wildcat Pond